

## NOTICE PUBLICATION REGULATIONS SUBMISSION

STD. 400 (REV. 7-90)

(See instructions on reverse)

For use by Secretary of State only

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER	PREVIOUS REGULATORY ACTION NUMBER
		91-0905-01N		

For use by Office of Administrative Law (OAL) only

1991 JUL -5 AM 10:45

OFFICE OF ADMINISTRATIVE LAW  
ENDORSED  
APPROVED FOR FILING

AUG - 5 1991

Office of Administrative Law

NOTICE REGULATIONS

AGENCY STATE DEPARTMENT OF SOCIAL SERVICES

AGENCY FILE NUMBER (If any)  
ROB #C691-2

**FILED**  
In the Office of the Secretary of State  
of the State of California

AUG 5 1991

3:51 o'clock P.M.  
MARIA G. EU, Secretary of State  
By Ann M. Manassero  
Deputy Secretary of State

**A. PUBLICATION OF NOTICE** (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	ACTION ON PROPOSED NOTICE	NOTICE REGISTER NUMBER	PUBLICATION DATE

**B. SUBMISSION OF REGULATIONS** (Complete when submitting regulations)

## 1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

SECTIONS AFFECTED MPP	ADOPT
TITLE(S)	AMEND 63-301.543, 63-501, 63-502.2(f), 63-505.11, 63-304.62 and 63-804.631.
	REPEAL

## 2. TYPE OF FILING

☐ Regular Rulemaking (Gov. Code, § 11346) ☐ Resubmittal ☒ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100) ☐ Emergency (Gov. Code, § 11346.1(b))

☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

☐ Print Only ☐ Other (specify)

## 3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 15)

## 4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

☐ Effective 30th day after filing with Secretary of State ☒ Effective on filing with Secretary of State ☐ Effective other (Specify)

## 5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

☐ Department of Finance (Form STD. 399) ☐ Fair Political Practices Commission ☐ State Fire Marshal

☐ Other (Specify)

## 6. CONTACT PERSON

Jim Rhoads, Assistant Chief, Regulations Development Bureau

## TELEPHONE NUMBER

415-C313

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE



DATE

7-3-91

TYPED NAME AND TITLE OF SIGNATORY

LONNIE M. CARLSON, INTERIM DIRECTOR

**NOTICE PUBLICATION/REGULATIONS SUBMISSION**

STD. 400 (REV. 7-90) ( REVERSE)

**INSTRUCTIONS FOR PUBLICATION OF NOTICE  
AND SUBMISSION OF REGULATIONS**

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

**ALL FILINGS**

Enter the agency name and agency file number, if any.

**NOTICES**

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

**REGULATIONS**

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

**RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS**

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

**EMERGENCY REGULATIONS**

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

**NOTICE FOLLOWING EMERGENCY ACTION**

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

**CERTIFICATE OF COMPLIANCE**

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

**EMERGENCY REGULATIONS - READOPTION**

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

Amend Section 63-301.543 to read:

63-301 APPLICATION PROCESSING TIME STANDARDS (Continued)

63-301

.54 Special Procedures for Expediting Service (Continued)

- .543 Households that are certified on an expedited basis and have provided all necessary verification required by Section 63-300.5 within the expedited services time frame as specified in Section 63-301.5431 shall be assigned a normal certification period.

Amend Section 63-501 to read:

63-501 RESOURCE DETERMINATIONS

63-501

The CWD shall apply the uniform national resource standards of eligibility to all applicant households, except as ~~provided by~~ specified in Section 63-~~501.87~~.

.1 Definition of Resources (Continued)

- .111 A non/recurring lump sum payment includes, but is not limited to, income tax refunds, rebates or credits; retroactive lump-sum social security, railroad retirement benefits, or other payments; retroactive payments from the approval an application for any assistance program; court ordered retroactive payments for any assistance program; supplemental or corrective payments received for a previous month from any assistance program; lump-sum insurance settlements; or refunds of security deposits on rental property or utilities. These payments shall be counted as resources in the month received, unless specifically excluded from consideration as a resource by other Federal law ~~in accordance with~~ as specified in Sections 63-501.3(k)(1) through (12) or 63-501.3(1).

Amend Section 63-502.2(f) to read:

63-502 INCOME, EXCLUSIONS AND DEDUCTIONS (Continued)

63-502

.2 Income Exclusions. Only the following items shall be excluded from household income: (Continued)

- (f) All loans, including loans from private individuals as well as commercial institutions, other than educational loans on which repayment is deferred as specified in Section 63-502.2(~~e~~).

Amend Section 63-505.11 to read:

63-505 HOUSEHOLD RESPONSIBILITIES

63-505

.1 Household Cooperation

- .11 To determine eligibility the household or its authorized representative must ~~be~~:

Amend Section 63-804.62 to read:

63-804 STATE HEARINGS (Continued)

63-804

.6 Continuation of Benefits (Continued)

.62 Time Frame for Requesting Continuation of Benefits (Continued)

- .621 A household provided a timely notice of change (DFA 377.4), shall file its request as specified in ~~accordance with~~ Section 22-001/174 for a hearing prior to the effective date of the proposed reduction or termination of its benefits.
- .622 A household provided a concurrent notice of change (DFA 377.4), as specified in ~~accordance with~~ Section 63-504.265(b), shall file in accordance with Section 22-001/174 its request for a hearing prior to 10 days following the date the CWD mails this notice to the household.

Amend Section 63-804.631 to read:

63-804 STATE HEARINGS (Continued)

63-804

.63 Time Frames for Providing Continuation of Benefits

.631 The CWD shall provide continued benefits, as specified in Section 22-023.17, to any household entitled to such benefits within ~~15~~ five 5 working days of the date: (Continued)

OFFICE OF ADMINISTRATIVE LAW

FILED  
In the office of the Secretary of State  
of the State of California

CERTIFICATION

OF

APPROVAL

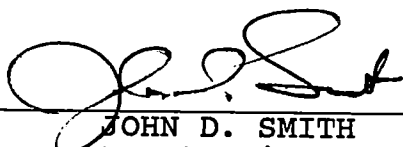
AUG 5 1991

At 3:51 o'clock P. M.  
MARCO NG EU, Secretary of State  
By Ann M. Merriam  
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the City of Sacramento, State of California.

Submitting Agency: SOCIAL SERVICES

OAL File No: 91-0705-01

  
JOHN D. SMITH  
Deputy Director

08/05/91

## NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 7-90)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-90-1120-04	REGULATORY ACTION NUMBER 91-0708-02C	EMERGENCY NUMBER 91-0306-04E	PREVIOUS REGULATORY ACTION NUMBER 90-1101-05E
For use by Office of Administrative Law (OAL) only				
<p style="text-align: center;">1991 JUL -8 PM 12: 21</p> <p style="text-align: center;">OFFICE OF ADMINISTRATIVE LAW ENDORSED APPROVED FOR FILING</p> <p style="text-align: center;">AUG - 7 1991</p> <p style="text-align: center;">Office of Administrative Law</p>				
AGENCY Department of Social Services			REGULATIONS AGENCY FILE NUMBER (if any) RDB #1090-49	

**FILED**  
in the office of the Secretary of State  
of the State of California

AUG 7 1991

At 4:27 o'clock P.M.  
MARCH LONG EU, Secretary of State  
By Ann M. Manassero  
Deputy Secretary of State

## A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER 90, #482	PUBLICATION DATE 11-30-90

## B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

## 1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

SECTIONS AFFECTED	ADOPT
	AMEND 30-132, 30-162, 30-234, 30-252, 30-334, 30-342, 30-434, and 30-442.
	REPEAL
TITLE(S) MPP	

## 2. TYPE OF FILING

- ☐ Regular Rulemaking (Gov. Code, § 11346) ☐ Resubmittal ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100) ☐ Emergency (Gov. Code, § 11346.1(b))
- ☒ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

- ☐ Print Only ☐ Other (specify)

## 3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

April 4, 1991 through April 18, 1991 (See attached)

## 4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

- ☐ Effective 30th day after filing with Secretary of State ☒ Effective on filing with Secretary of State ☐ Effective other (Specify)

## 5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

- ☒ Department of Finance (Form STD. 399) ☐ Fair Political Practices Commission ☐ State Fire Marshal

- ☐ Other (Specify)

## 6. CONTACT PERSON

Rosalie Clark, Chief, Regulations Development Bureau

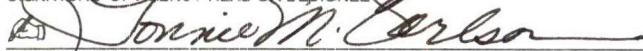
## TELEPHONE NUMBER

445-0313

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE



DATE

7-1-91

TYPED NAME AND TITLE OF SIGNATORY

Lonnie M. Carlson, Interim Director

**NOTICE PUBLICATION/REGULATIONS SUBMISSION**

STD. 400 (REV. 7-90) ( REVERSE)

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**NOTICES**

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**EMERGENCY REGULATIONS**

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**NOTICE FOLLOWING EMERGENCY ACTION**

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

**CERTIFICATE OF COMPLIANCE**

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

**EMERGENCY REGULATIONS - READOPTION**

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

STD. 400 (Cont.)

RDB #1090-49  
Page 2

B.3.

Sections Amended: 30-132.121, (a), (c), (e), (f), (g), and  
(k) through (11); 30-162.11 and .12; 30-  
234.52; 30-334.42; 30-342.5, .51, .511, and  
.512 et seq.; 30-434.42; and 30-442.314 et  
seq.

Amend Sections 30-132.121(f), (n), and (ee) to read:

30-132 RESPONSE TO REQUESTS AND REFERRALS

30-132

- .1 The county welfare department shall respond to the following: (Continued)
- .12 Any other referrals for service which allege that a child is endangered by abuse, neglect, or exploitation.
- .121 The following referrals, after screening and in the absence of any additional risk element, are inappropriate for an emergency response assessment, as defined in Section 30-002c. (1)(A). An emergency response assessment on any of the following referrals may be appropriate if additional risk is present to the child. If it is determined that Child Welfare Services are unnecessary, but that the services of another community agency are appropriate, the social worker shall refer the child and/or family to such agency.
  - (a) Abuse, neglect or lack of supervision in day care.
  - (b) Bruises with no evidence of abuse.
  - (c) Child is a runaway.
  - (d) Children not using seat belts or car seats in moving vehicles.
  - (e) Children 12 or over left unsupervised for two to three hours in the daytime or early evening where no clear and present danger can be cited.
  - (f) Custody issues where no abuse is alleged to have occurred.
  - (g) Death of a child where there are no other children in the family or in the home.
  - (h) Dirty homes with only teenage minors.
  - (i) Drug/alcohol abuse of parents.
  - (j) Families or children that are reported as nuisances in the neighborhood.

- (k) Head lice.
- (l) History of childhood physical or sexual abuse of a child who is now an adult.
- (m) Homeless family/overcrowded housing.
- (n) Mandated reporters meeting their reporting responsibilities but the report does not indicate child abuse, exploitation, or neglect as defined in Sections 30-002a.(1), 30-002e.(2), or 30-002n.  
~~indicating that no abuse has occurred.~~
- (o) Minors exhibiting behavior pursuant to Welfare and Institutions Code Sections 601 or 602.
- (p) Minors living apart from relatives.
- (q) Minors with mental health problems.
- (r) Neglect cases which have been closed as unfounded or unsubstantiated within the previous month and there are no new allegations or evidence.
- (s) Sounds of children crying or being spanked with no indication of injury.
- (t) Parent-child conflict where there is no evidence of physical or sexual abuse.
- (u) Parents sleeping or bathing with children, considering age of child, sex and circumstances.
- (v) Past physical abuse which occurred over one year ago and there has been no evidence of subsequent physical abuse.
- (w) Physical or sexual abuse referrals which have already been investigated and there are no new allegations or evidence.
- (x) Pregnancy, in and of itself, of a minor.
- (y) Reasonable and age-appropriate spanking, as defined in Welfare and Institutions Code Section 300(a), to the buttocks where there is no evidence of serious physical injury.

- (z) Repeated unfounded or unsubstantiated referrals from the same reporter.
- (aa) Sibling physical abuse, unless parent demonstrates negligence through inability or unwillingness to protect the child victim.
- (bb) Spousal abuse only.
- (cc) Teenager is beyond parental control.
- (dd) Truancy/lack of school attendance.
- (ee) Third party physical or sexual abuse by someone outside the home and the parent can protect the child.
- (ff) Unreliable complaints, e.g., details given by the reporter are contradictory.
- (gg) Unsupervised teens disturbing the neighborhood.
- (hh) Vague or general information without any reasonable basis.

HANDBOOK BEGINS HERE

- (1) Examples of vague or general information include "The house is dirty," "I think the child was molested," or "The children are abused," with no credible reason to suspect abuse or neglect.

HANDBOOK ENDS HERE

- (ii) Verbal abuse only.

.2 Emergency response staff shall immediately assess all referrals, excluding the referrals specified in Section 30-132.121, to determine whether an in-person response is required. (Continued)

.22 The decision whether or not to make an in-person response for all other referrals shall be based on an assessment which shall include collateral contacts, a review of previous referrals and other relevant information to the extent such information or measures are necessary to conduct an assessment.

.221 This assessment shall include, but not be limited to, consideration of the following factors:

- (a) The information provided in the referral describes a situation as defined in Sections 30-002a.(1) abuse, 30-002e.(2) exploitation, or 30-002n. neglect.
- (b) Credibility of reporter.
- (c) Relationship and access of alleged perpetrator to the child.
- (d) History and disposition of prior referrals.
- (e) Items that are considered to increase the risk of danger to the child which include, but are not limited to:
  - (1) The severity of the injury.
  - (2) When the alleged incident(s) of abuse occurred.
  - (3) How frequently the alleged incident(s) of abuse occurs.
  - (4) The age of the child. Younger children shall be considered at higher risk.
  - (5) The inability or unwillingness of the parent/caretaker to cooperate with the emergency response worker.
  - (6) The social isolation or lack of support systems for the parent/caretaker and/or child.
  - (7) The location of the injuries.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553 and 16501.1, Welfare and Institutions Code.

- .1 For each child receiving emergency response services, the social worker shall:
  - .11 Have face-to-face contact with the child at least three times in the first 21 calendar days, including the initial response except as specified in Section 30-162.111. (Continued)
  - .12 Have face-to-face contact with the child no less than twice every 30 days after the child has been in the Emergency Response Program 21 calendar days.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553, 16501.1, and 16504, Welfare and Institutions Code.

- .5 All initial service plans shall have signed and dated, written approval of the family maintenance social worker's supervisor within the 37-calendar day time frame specified for completion of the plan. The supervisor's approval shall document the following:
- .51 The appropriateness of having an open case, including eligibility and need for services.
  - .52 A determination of the actions that would be necessary to close the case including the identification and closure of a case that is inappropriate pursuant to Section 30-132.121.
  - .53 A review of the current risk based on the child's age and severity of the original allegation. This review shall include the status of the original allegation and an identification of any new allegations which would necessitate a change in the case plan.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 16501.1(b), 16506, and 16506.1, Welfare and Institutions Code.

.1 For each child receiving family maintenance services, the social worker shall:

.11 Have face-to-face contact with the child at least twice every 30 calendar days during the first 90 calendar days the case is open, and at least once a month thereafter, except as specified in Section 30-252.12.

.12 Be permitted to have less frequent face-to-face contact, up to a minimum of once each month, if the criteria in Sections 30-252.121 or .122 are met.

.121 All of the following exist:

(a) (Continued)

(b) (Continued)

(c) The social worker schedules his/her contacts with the child so that such contacts, in combination with those made by the persons specified in Sections 30-252.121(b)(1) through (3), ensure that the child receives face-to-face contact at least twice every 30 calendar days during the first 90 calendar days the case is open, as specified in Section 30-252.11.

(d) (Continued)

(e) (Continued)

.122 The case is being transferred to the family maintenance program from the family reunification program or the permanent placement program and the case plan accompanying the transfer indicates that there is no need for face-to-face contact more often than once a month.

.13 (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553, 16506, and 16506.1, Welfare and Institutions Code.

- .4 All initial service plans shall have signed and dated, written approval of the family reunification social worker's supervisor within the 37-calendar day time frame specified for the completion of the plan. The supervisor's approval shall document the following:
- .41 The appropriateness of having an open case, including eligibility and need for services.
  - .42 A determination of the actions that would be necessary to close the case including the identification and closure of a case that is inappropriate pursuant to Section 30-132.121.
  - .43 A review of the current risk based on the child's age and severity of the original allegation. This review shall include the status of the original allegation and an identification of any new allegations which would necessitate a change in the case plan.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11404(b)(3), 16501.2, 16507, and 16507.1, Welfare and Institutions Code.

Amend Section 30-342.612 to read:

30-342 PLACEMENT CASE MANAGEMENT (Continued)

30-342

.3 For each child in placement the social worker shall:

.31 Have face-to-face contact at least monthly.

.311 The social worker shall be permitted to have less frequent face-to-face contact, up to a minimum of once each quarter, only if all of the following criteria are met. (Continued)

(c) The case record documents the existence of at least one of the following circumstances:

(1) (Continued)

(2) The child is placed with a foster parent who has provided continuous care for the child for a minimum of twelve months.

(3) (Continued)

(4) (Continued)

(5) (Continued)

(d) Written supervisory approval has been obtained.

.4 (Continued)

.5 (Continued)

.6 For the parent(s)/guardian(s) from whom the child has been removed, the social worker shall:

.61 Have face-to-face contact at least monthly, unless the case record contains documentation justifying less frequent face-to-face contacts.

.611 If the parent(s)/guardian(s) is not available for a face-to-face contact, the social worker shall maintain monthly written or telephone contact with him/her regarding the child's status and the parent/guardian actions that should be occurring in order to facilitate reunification.

.612 If all of the following criteria are met, the social worker shall be permitted to maintain monthly written or telephone contact, rather than face-to-face contact, with the parent(s)/guardian(s):

(a) The parent/guardian is contacted face-to-face monthly by one or more of the following service providers providing services pursuant to the service plan:

(1) Social services staff of a county welfare department.

(2) Staff of another services agency.

(3) A physician or other professional.

(b) There is an agreement with the service provider that he/she will provide contact reports to the social worker within the time specified in the agreement.

(c) The agreement with the service provider is documented in the case record.

(d) Written supervisory approval has been obtained.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: 42 USC Sections 675 and 677 and Sections 11008.15, 11155.5, 16507 and 16507.1, Welfare and Institutions Code.

- .4 All initial service plans shall have signed and dated, written approval of the permanent placement social worker's supervisor within the 67-calendar day time frame specified for the completion of the plan. The supervisor's approval shall document the following:
- .41 The appropriateness of having an open case, including eligibility and need for services.
  - .42 A determination of the actions that would be necessary to close the case including the identification and closure of a case that is inappropriate pursuant to Section 30-132.121.
  - .43 A review of the current risk based on the child's age and severity of the original allegation. This review shall include the status of the original allegation and an identification of any new allegations which would necessitate a change in the case plan.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11404, 16501.3, 16508, and 16508.1, Welfare and Institutions Code.

Amend Section 30-442.314 to read:

**30-442 PLACEMENT CASE MANAGEMENT (Continued)**

**30-442**

.3 For each child in placement the social worker shall:

.31 Have face-to-face contact at least monthly, except as specified in Sections 30-442.311 through .314.

.311 If the child has been placed with a legal guardian or relative and such services are unnecessary, the social worker shall have face-to-face contact with the child no less frequently than once every six months.

.312 If the child has been placed in a group home, and the criteria specified in Sections 30-442.313(a) through (e) have been met, the social worker shall have face-to-face contact with the child in the home no less frequently than once every six months.

.313 (Continued)

.314 If all of the following criteria are met, the social worker shall be permitted to have less frequent contact, up to a minimum of once every six months:

(a) The child is contacted face-to-face monthly by one or more of the following service providers providing services pursuant to the service plan:

(1) Social services staff of a county welfare department.

(2) Staff of another services agency.

(3) A physician or other professional.

(b) There is an agreement with the service provider that he/she will provide contact reports to the social worker within the time specified in the agreement.

(c) The agreement with the service provider is documented in the case record.

(d) Written supervisory approval has been obtained.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: 42 USC Sections 675 and 677 and Sections 10553, 11008.15, 11155.5, 16508, and 16508.1, Welfare and Institutions Code.

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

FILED  
In the office of the Secretary of State  
of the State of California

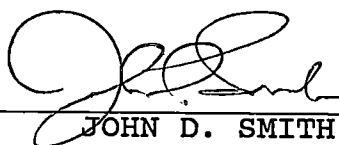
AUG 7 1991

At 4:27 o'clock P M.  
MARCH LONG EU, Secretary of State  
By Ann M. Manasero  
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the City of Sacramento, State of California.

Submitting Agency: SOCIAL SERVICES  
-----

OAL File No: 91-0708-02  
-----

  
\_\_\_\_\_  
JOHN D. SMITH

Deputy Director

08/07/91  
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## REGULAR NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 7-90)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-91-0219-14	REGULATORY ACTION NUMBER 91-0717-045	EMERGENCY NUMBER	PREVIOUS REGULATORY ACTION NUMBER
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For use by Office of Administrative Law (OAL) only

1991 JUL 17 AM 11:37

OFFICE OF  
ADMINISTRATIVE LAW  
ENDORSED

APPROVED FOR FILING

AUG - 8 1991

Office of Administrative Law

NOTICE

REGULATIONS

AGENCY

State Department of Social Services

AGENCY FILE NUMBER (If any)

RDB# 1090-47

FILED  
In the Office of the Secretary of State  
of the State of California

AUG 8 1991

3:42 o'clock P.M.

MARION NG EU, Secretary of State

Ann M. Mancuso  
Deputy Secretary of State

## A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)		FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER	
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER 91, #9-2	PUBLICATION DATE 3-1-91	

## B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

## 1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

SECTIONS AFFECTED	ADOPT
	AMEND Sections 80024, 80027, and 80031
	REPEAL Sections 81024(c) and (d), 81027, and 81031
TITLE(S) 22	

## 2. TYPE OF FILING

<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code, § 11346)	<input type="checkbox"/> Resubmittal	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100)	<input type="checkbox"/> Emergency (Gov. Code, § 11346.1(b))
<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.			

☐ Print Only ☐ Other (specify)

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

N/A

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

<input checked="" type="checkbox"/> Effective 30th day after filing with Secretary of State	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> Effective other (Specify)
---	--	--

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input type="checkbox"/> Department of Finance (Form STD. 399)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
--	--	---

☐ Other (Specify)

6. CONTACT PERSON

Jim Rhoads, Assistant Bureau Chief, Regulations Development Bureau

TELEPHONE NUMBER

445-0313

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

Lonnie Carlson

TYPED NAME AND TITLE OF SIGNATORY

Lonnie Carlson, Interim Director

DATE

7-15-91

**NOTICE PUBLICATION/REGULATIONS COMMISSION**

STD. 400 (REV. 7-90) ( REVERSE)

**INSTRUCTIONS FOR PUBLICATION OF NOTICE  
AND SUBMISSION OF REGULATIONS**

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

**ALL FILINGS**

Enter the agency name and agency file number, if any.

**NOTICES**

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

**REGULATIONS**

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

**RESUBMITTAL OF DISAPPROVED OR WITHDRAWN  
REGULATIONS**

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

**EMERGENCY REGULATIONS**

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

**NOTICE FOLLOWING EMERGENCY ACTION**

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

**CERTIFICATE OF COMPLIANCE**

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

**EMERGENCY REGULATIONS - READOPTION**

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

Amend Section 80024 to read:

80024      WAIVERS AND EXCEPTIONS

80024

(a)    (Continued)

(b)    (Continued)

(c)    Within 30 days of receipt of a request for a waiver or an exception, the licensing agency shall notify the applicant or licensee, in writing, of one of the following:

(1)    The request with substantiating evidence has been received and accepted for consideration.

(2)    The request is deficient, describing additional information required for the request to be acceptable and a time frame for submitting this information.

(A)    Failure of the applicant or licensee to comply within the time specified in (2) above shall result in denial of the request.

(d)    Within 30 days of receipt of an acceptable request for a waiver or an exception, the licensing agency shall notify the applicant or licensee, in writing, whether the request has been approved or denied.

Authority Cited:    Sections ~~1523/ 1524 and~~ 1530, Health and Safety Code.

Reference:            Sections 1501, 1509/ ~~1523/ 1524~~ and 1531, Health and Safety Code; and Section 15376, Government Code.

Amend Section 80027 to read:

80027 INITIAL APPLICATION REVIEW

80027

(a) ~~If the applicant has not submitted all materials specified in Section 80018 within 90 days of receipt of the application by the licensing agency, the licensing agency shall give written notice to the applicant that the application is incomplete/~~ of one of the following:

(1) The application is complete.

(2) The application is deficient, describing what documents are outstanding and/or inadequate, and informing the applicant that the information must be submitted within 30 days of the date of the notice.

(1b) If the applicant does not complete submit the application information requested within the 30 days after such notice specified in (2) above, the application shall be deemed withdrawn provided that the licensing agency has not denied or taken action to deny the application.

(1) The above requirement shall not apply to facilities under construction.

(c) (Continued)

(d) (Continued) {Handbook}

Authority Cited: Sections 1523, 1524 and 1530, Health and Safety Code.

Reference: Sections 1520/ and 1520.3, 1523/ 1524/ 1528 and 1531/ Health and Safety Code/; and Section 15376, Government Code.

Amend Section 80031 to read:

80031 ISSUANCE OF LICENSE

80031

- (a) THE LICENSING AGENCY SHALL ISSUE A LICENSE TO AN APPLICANT AFTER WITHIN 90 DAYS OF THE DATE THAT A COMPLETED APPLICATION, AS DEFINED IN SECTION 80001c.(8), HAS BEEN COMPLETED RECEIVED, THE LICENSING AGENCY AND UPON DETERMINATION THAT ALL LICENSING REQUIREMENTS HAVE BEEN MET, SHALL GIVE WRITTEN NOTICE TO THE APPLICANT OF ONE OF THE FOLLOWING:
- (1) The application has been approved.
  - (2) The application has been denied.
    - (A) The notice of denial shall include the information specified in Section 80040.
- (b) The licensing agency shall notify the applicant, in writing, of the issuance of the license.
- (1) Issuance of the license itself shall constitute written notification of license approval.
- (c) (Continued)
- (d) The licensing agency's completed review of an application for the two years immediately preceding this regulation has been approximately:
- (1) A minimum of 30 days.
  - (2) A median of 90 days.
  - (3) A maximum of 180 days.

Authority Cited: Sections ~~1527~~/ 1530 and 1553, Health and Safety Code.

Reference: Sections 1509, 1520, 1520.5, ~~1527~~/ ~~1528~~/ 1524/ 1525, 1526, ~~1528~~/ 1531.5 and 1553, Health and Safety Code; and Section 15376, Government Code.

Repeal Sections 81024(c) and (d):

81024 WAIVERS AND EXCEPTIONS

81024

(a) (Continued)

(b) (Continued)

(1) (Continued)

(c) Within 30 days of receipt of a request for a waiver or an exception, the licensing agency shall notify the applicant or licensee in writing of one of the following:

(1) The request with substantiating evidence has been received and accepted for consideration;

(2) The request is deficient, describing additional information required for the request to be acceptable and a time frame for submitting this information;

(3) Failure of the applicant or licensee to comply within the time specified shall result in denial of the request;

(d) Within 30 days of receipt of an acceptable request for a waiver or exception, the licensing agency shall notify the applicant or licensee in writing whether the request has been approved or denied.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 5453 and 5458, Welfare and Institutions Code; Sections 1501 and 1502(a)(7), Health and Safety Code; and Section 15376, Government Code.

Repeal Section 81027:

81027 INITIAL APPLICATION REVIEW

81027

- (a) Notwithstanding section 80027, the following shall apply:
- (b) Within 90 days of receipt of the application by the licensing agency, the licensing agency shall give written notice to the applicant of one of the following:
- (1) The application is complete;
- (2) The application is deficient, describing what documents are outstanding and/or inadequate, and informing the applicant that the information must be submitted within 30 days of the date of the notice;
- (c) If the applicant does not submit the requested information within the 30 days specified in (b)(2) above, the application shall be deemed withdrawn provided that the licensing agency has not denied or taken action to deny the application;
- (1) The requirement in (c) above shall not apply to facilities under construction;
- (d) The licensing agency shall cease review of any application as specified in section 1520.3 of the Health and Safety Code;

HANDBOOK BEGINS HERE

- (1) Health and Safety Code section 1520.3 provides in part:

If an application for a license or special permit indicates, or the state department determines during the application review process, that the applicant previously was issued a license under this chapter or under Chapter 1 commencing with section 1200, 2 commencing with section 1250, 3/3 commencing with section 1369, 3/4 commencing with section 1396.170, 3/5 commencing with section 1396.90, or 3/6 commencing with section 1397.30 and such prior license was revoked within the preceding two years, the following provisions shall apply:

- (A) The licensing agency shall cease review of the application;

- (B) Application review shall not recommence until two years have elapsed from the date of such revocation.
- (C) Such cessation of review shall not constitute denial of the application.
- (e) The licensing agency shall complete the following as part of the application review process:
- (1) A site visit to the proposed facility and a determination of the qualifications of the applicant.
  - (2) A determination that the applicant has secured an appropriate fire clearance from the State Fire Marshal, if required.
  - (3) A determination that the applicant has the ability to comply with the provisions of the Community Care Facilities Act and the regulations in this division as specified in Health and Safety Code Section 1520.
  - (4) A determination that the facility complies with the provisions of the Community Care Facilities Act and the regulations in this division.

HANDBOOK ENDS HERE

Authority Cited: Section 1530, Health and Safety Code.

Reference: Section 1520.3, Health and Safety Code, and Section 15376, Government Code.

Repeal Section 81031:

81031 ISSUANCE OF LICENSE

81031

(A) In addition to section 80031, the following shall apply:

(B) Within 90 days of the date that a completed application, as defined in section 80001(2)(18), has been received, the licensing agency shall give written notice to the applicant of one of the following:

(1) The application has been approved.

(2) The application has been denied.

(A) The notice of denial shall include the information specified in section 80040.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Section 15376, Government Code.

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

FILED  
In the Office of the Secretary of State  
of the State of California


AUG 8 1991

13:42 o'clock P M  
MARCELLA E. U. Secretary of State  
By Ann M. Manassero  
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the City of Sacramento, State of California.

Submitting Agency: SOCIAL SERVICES

OAL File No: 91-0717-04

  
JOHN D. SMITH  
Deputy Director

08/08/91

## NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 7-90)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-91-0419-01	REGULATORY ACTION NUMBER 91-0731-045	EMERGENCY NUMBER	PREVIOUS REGULATORY ACTION NUMBER
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For use by Office of Administrative Law (OAL) only

1991 JUL 31 PM 3:25

OFFICE OF  
ADMINISTRATIVE LAW  
ENDORSED  
APPROVED FOR FILING

AUG 27 1991

Office of Administrative Law

**FILED**  
In the office of the Secretary of State  
of the State of California

AUG 27 1991

At 4:45 o'clock P.M.  
MARCH FONG EU, Secretary of State  
By Ann M. Marassero  
Deputy Secretary of State

AGENCY State Department of Social Services	AGENCY FILE NUMBER (If any) 0491-13
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**A. PUBLICATION OF NOTICE** (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER 91, #182	PUBLICATION DATE 5/3/91	

**B. SUBMISSION OF REGULATIONS** (Complete when submitting regulations)

## 1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

SECTIONS AFFECTED	ADOPT
	AMEND Sections 47-155 and 47-160
	REPEAL
TITLE(S) MPP	

## 2. TYPE OF FILING

☒ Regular Rulemaking (Gov. Code, § 11346)  
☐ Resubmittal  
☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100)  
☐ Emergency (Gov. Code, § 11346.1(b))  
☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

☐ Print Only  
☐ Other (specify)

## 3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

N/A

## 4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

☐ Effective 30th day after filing with Secretary of State  
☐ Effective on filing with Secretary of State  
☒ Effective other (Specify) October 1, 1991

## 5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

☒ Department of Finance (Form STD. 399)  
☐ Fair Political Practices Commission  
☐ State Fire Marshal

☐ Other (Specify)

## 6. CONTACT PERSON

Jim Rhoads, Assistant Bureau Chief, Regulations Development Bureau

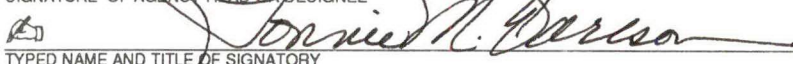
## TELEPHONE NUMBER

(916) 445-0313

## 7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE



DATE

7-31-91

TYPED NAME AND TITLE OF SIGNATORY

Lonnie Carlson, Interim Director

**NOTICE PUBLICATION/REGULATIONS SUBMISSION**

STD. 400 (REV. 7-90) ( REVERSE)

**INSTRUCTIONS FOR PUBLICATION OF NOTICE  
AND SUBMISSION OF REGULATIONS**

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

**ALL FILINGS**

Enter the agency name and agency file number, if any.

**NOTICES**

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

**REGULATIONS**

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

**RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS**

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

**EMERGENCY REGULATIONS**

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

**NOTICE FOLLOWING EMERGENCY ACTION**

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

**CERTIFICATE OF COMPLIANCE**

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

**EMERGENCY REGULATIONS - READOPTION**

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

Amend Section 47-155 to read:

47-155 PAYMENT DETERMINATION

47-155

.1 (Continued)

.2 ~~Payments~~ Counties shall be rounded payments to the nearest lower whole dollar. ~~With amounts of 50 cents or more rounded to the next higher dollar figure.~~ (Continued)

.7 Rate Ceiling

.71 (Continued)

.72 ~~The rate ceiling shall be converted to a monthly rate ceiling by following the process below.~~ The county shall determine the appropriate monthly rate ceiling by the following process:

.721 ~~For each week that child care is provided.~~ The county shall determine whether care for that week is provided on a part-time or full-time basis for each calendar month that child care is provided.

(a) (Continued)

~~HANDBOOK BEGINS HERE~~

(1) (Continued)

(A) "Part-time care" is under 35 hours a week 147 hours or less per calendar month.

(B) "Full-time care" is 35 or more hours a week more than 147 hours per calendar month.

~~HANDBOOK ENDS HERE~~

.722 For each week calendar month of part-time care:

(a) The county shall locate the hourly monthly rate ceiling on the survey that corresponds to the age and category of care in the region in which the care is provided/, and

(b) ~~The county converts the hourly rate ceiling to a weekly rate ceiling by using the factors set forth in the regional market rate survey.~~ Shall locate the appropriate monthly rate ceiling for either part-time or full-time care based on the total number of hours of care for the calendar month.

DELETE

HANDBOOK BEGINS HERE

- (1) The factors set forth in the current survey are:
- (A) The hourly rate ceiling is multiplied by 20 for children who are under six years old.
  - (B) The hourly rate ceiling is multiplied by 16 for children who are six years and older.

HANDBOOK ENDS HERE

DELETE

1723 For each week of full-time care, the county locates the appropriate weekly rate ceiling based on the child's age and category of care.

1724 The county determines the monthly rate ceiling by:

- 1a) Adding the weekly rate ceilings for each week that payment was made, when payment is made on a hourly, daily or weekly basis; or
- 1b) Multiplying the weekly rate ceiling by 4/3 when payment is made on a monthly basis. (Continued)

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 10613, 11017, 11209, 11501(c), 11508, 11509, 11510, and 11511(a), Welfare and Institutions Code; 45 CFR 255.4(a) and (a)(2)(iii); 45 CFR 255.4(i)(3); 45 CFR 256.3(a); and 45 CFR 256.4(b).

Amend Section 47-160 to read:

47-160 PAYMENT COMPUTATIONS\*

47-160

HANDBOOK BEGINS HERE

.1 Example of Determining Rate Ceiling

.11 A Kern County family consists of a mother and three children. Mary is one and a half years old and needs ten hours of care per day for a total of 50 hours of care a week. John is ten years old and needs 2.5 hours of care per day for a total of 12.5 hours of care per week. Sally is five years old and needs seven hours of care per day for a total of 35 hours of care per week. All children receive care in a family day care setting.

.111 Step One: Find rate ceiling on chart.

- (a) Mary needs 35 or more hours of care per week. She is full-time. Her family day care rate ceiling is \$70 per week.
- (b) John needs under 35 hours of care per week. He is part-time. His family day care rate ceiling is \$2 per hour.
- (c) Sally needs 35 or more hours of care per week. She is full-time. Her family day care rate ceiling is \$65 per week.

.112 Step Two: Convert to Weekly Rate Ceilings

- (a) As Mary is full-time, her rate ceiling is stated in weekly terms; no conversion is necessary. Her rate ceiling is \$70 per week.
- (b) John's rate ceiling is stated in hourly terms and requires conversion to weekly. As John is age six or over, the hourly rate ceiling is multiplied by 16.  $\$2 \times 16 = \$32$  per week.
- (c) As Sally is full-time, her rate ceiling is stated in weekly terms; no conversion is necessary. Her rate ceiling is \$65 per week.

.113 Step Three: Convert to a Monthly Rate Ceiling

- (a) Mother makes payment at the beginning of each week. In September she made four weekly payments. The weekly rate ceilings are multiplied by four.
  - (1) Mary  $\$70 \times 4 = \$280$
  - (2) John  $\$32 \times 4 = \$128$
  - (3) Sally  $\$65 \times 4 = \$260$

(b) Mother makes five weekly payments in October.

(1) Mary  $\$70 \times 5 = \$350$

(2) John  $\$32 \times 5 = \$160$

(3) Sally  $\$65 \times 5 = \$325$

.12 The same family as above has different child care needs in December because it is a vacation month. The child care provider charges for the holiday. The mother pays for five weeks of care in December. There is no change for Mary. John and Sally have no change for the first three weeks in the month. John and Sally both need 50 hours of care for the last two weeks for which payment is made. (Payment is made on December 24 for care given December 24 through 28 and payment is made on December 31 for care given December 31 through January 4.)

.121 Step One: Find Rate Ceiling on Chart

(a) Mary needs 35 or more hours per week. She is full-time. Her rate ceiling is \$70 per week.

(b) John needs under 35 hours per week for the first three weeks. He needs 35 or more hours per week for the last two weeks. His rate ceiling is \$2 per hour for the first three weeks and \$67.50 per week for the last two weeks.

(c) Sally needs 35 or more hours per week. She is full-time. Her rate ceiling is \$65 per week.

.122 Step Two: Convert to a Weekly Rate Ceiling

(a) Mary's rate ceiling is stated in weekly terms; no conversion is necessary. Her rate ceiling is \$70 per week.

(b) John's rate ceiling for the first three weeks is stated in hourly terms. A conversion of 16 hours per week is used.  $\$2 \times 16 = \$32$  per week for the first three weeks. For the last two weeks, his rate ceiling is stated in weekly terms and no conversion is necessary. It is \$67.50 per week for the last two weeks.

(c) Sally's rate ceiling is stated in weekly terms; no conversion is necessary. Her rate ceiling is \$65 per week.

.123 Step Three: Convert to a Monthly Rate Ceiling

(a) Mary  $\$70 \times 5 = \$350$

(b) John  $(\$32 \times 3) + (\$67.50 \times 2) = \$231$

(c) Sally  $\$65 \times 5 = \$325$

## .2 Example of Determining the TCC Payment

.21 The mother in example in Section 47-160.1 uses one family day care provider for Mary and a second family day care provider for John and Sally. The mother provides the county the following information on the request for payment for September.

<u>Name</u>	<u>Hr/Day</u>	<u>Hrs/Week</u>	<u>Basis</u>	<u>Charge</u>	<u>Weekly</u>	<u>Monthly</u>
Mary	10	50	Charged and Pays Weekly	\$70	\$70	\$280
John	2.5	12.5	Charged Hourly and Pays Weekly	\$ 2.20	\$27.50	\$110
Sally	7	35	Charged	\$ 2.20	\$77	\$308
					Total	\$698

The mother requests reimbursement for \$698 less the family fee.

### .211 Step One: Determine the Family Fee

(a) At the time of requesting TCC program benefits, the mother's income had been verified to be \$1725 per month. Based on the Family Fee Schedule, the family fee is \$48 per month.

### .212 Step Two: Determine the TCC Payment

(a) Compare the actual cost less the family fee; compare to the reimbursement maximum, the TCC payment is the lesser amount.

<u>Name</u>	<u>1 Actual</u>	<u>2 Ceiling</u>	<u>3 Lesser (Col 1 or 2)</u>	<u>4 TCC Payment (Col 1 or 3 Total)</u>
Mary	\$280	\$280	\$280	NA
John	\$110	\$128	\$110	NA
Sally	\$308	\$260	\$260	NA
Subtotal	\$698	NA	NA	NA
Less Family Fee	- 48			
Total	\$650	NA	\$650	\$650

- .22 In December the mother in Section 47-160.2 submits a request for payment with the following information:

<u>Name</u>	<u>Hr/ Day</u>	<u>Hrs/ Week</u>	<u>Basis</u>	<u>Charge</u>	<u>Weekly</u>	<u>Monthly</u>
Mary	10	50	Charged and Pays Weekly	\$70	\$70	\$350
John (For first three weeks)	2.5	12.5	Charged Hourly; and Pays Weekly	\$ 2.20	\$27.50	
John (For last two weeks)	10	50	Charged and Pays Weekly	\$80	\$80	
			Subtotal John			\$242.50
Sally (For first three weeks)	7	35	Charged Hourly; and Pays Weekly	\$ 2.20	\$77	
	10	50	Charged and Pays Weekly	\$80	\$80	
			Subtotal Sally			\$391
			Total			\$983.50

The mother requests reimbursement for \$983.50 less the family fee.

- .221 Step One: Determine the Family Fee.

(a) There is no change in the fee from Section 47-160.21. The fee is \$48 per month.

- .222 Step Two: Determine the TCC Payment

(a) Compare the actual cost less the family fee; compare to the reimbursement maximum; the TCC payment is the lesser amount.

DELETE

DELETE

	1	2	3	4
			Lesser	TCC Payment
Name	Actual	Ceiling	(Col 1 or 2)	(Col 1 or 3 Total)
Mary	\$350	\$280	\$280	NA
John	\$242.50	\$231	\$231	NA
Sally	\$391	\$260	\$260	NA
Subtotal	\$983.50	NA	NA	NA
Less Family Fee	- 48			
Total	\$935.50	NA	\$771	\$771

\* All computations are subject to changes based on revisions to the Family Fee Schedule and the regional market rate survey.

HANDBOOK ENDS HERE

HANDBOOK BEGINS HERE

.1 Example of Determining TCC Payment: One Child

.11 An Alameda county family consists of a mother and her one year old child who attends a day care center while the mother works full-time. The mother submits a request for a TCC payment. Her actual cost for 152 hours of care for the calendar month is \$475. Her family fee is \$55/month. The appropriate rate ceiling in the survey for full-time monthly care for a child under two years of age in a day care center is \$571.90.

	Col. A	Col. B	Col. C
	Actual costs	Rate ceiling	Lesser of Col. A or Col. B
Child #1	\$475/mo	\$571.90/mo	\$475
	-55 FF		
	\$420*		\$475 (reimbursement maximum)

\*TCC payment (the actual monthly costs less the family fee or the reimbursement maximum, whichever is less).

.2 Example of Determining TCC Payment: Two Children

.21 A Ventura County family consists of a mother and two children. Child #1 is age four and has 160/hours a month full-time family day care. Child #2 is age seven and has 75/hours a month part-time family day care. The family requests a TCC payment for actual costs of \$340 for Child #1 and \$225 for Child #2 totaling \$565 for the month. The family fee is \$25/month. The rate ceiling for the first child for full-time care is \$350 and the rate ceiling for the second child for part-time care is \$220.

	<u>Col. A</u> <u>Actual costs</u>	<u>Col. B</u> <u>Rate ceiling</u>	<u>Col. C</u> <u>Lesser of Col. A or Col. B</u>
<u>Child #1</u>	<u>\$340/mo</u>	<u>\$350/mo</u>	<u>\$340</u>
<u>Child #2</u>	<u>225</u>	<u>\$220</u>	<u>220</u>
	<u>\$565</u>		<u>560</u>
	<u>-25 FF</u>		
	<u>\$540*</u>		<u>\$560 (reimbursement maximum)</u>

\*TCC payment (the actual monthly costs less the family fee or the reimbursement maximum, whichever is less).

.3 Example of Determining TCC Payment: Reimbursement Maximum Is Payment Level

- .31 A Fresno County family consists of a mother and two children aged 10 and 12. The 10-year-old child receives 84 hours of after-school care a month in a family day care setting at a cost of \$3.04 per hour. The total cost in the month of March was \$255. The 12-year-old child has special needs and attends a special child care center after school for 100 hours per month at a cost of \$450/month. The family fee is \$30/month. The part-time monthly rate ceiling for the 10-year-old is \$240. The part-time special needs rate ceiling for the 12-year-old is \$400 per month.

	<u>Col. A</u> <u>Actual costs</u>	<u>Col. B</u> <u>Rate ceiling</u>	<u>Col. C</u> <u>Lesser of Col. A or Col. B</u>
<u>Child #1</u>	<u>\$255/mo</u>	<u>\$240/mo</u>	<u>\$240</u>
<u>Child #2</u>	<u>450</u>	<u>400</u>	<u>400</u>
	<u>\$705</u>		<u>640</u>
	<u>-30 FF</u>		
	<u>\$675</u>		<u>\$640* (reimbursement maximum)</u>

\*TCC payment (the actual monthly costs less the family fee or the reimbursement maximum, whichever is less).

HANDBOOK ENDS HERE

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 10613, 11209, 11320.3(f) and 11508, Welfare and Institutions Code; 45 CFR 255.4(a); 45 CFR 256.3(a); and 45 CFR 256.4(b).

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

**FILED**  
In the office of the Secretary of State  
of the State of California

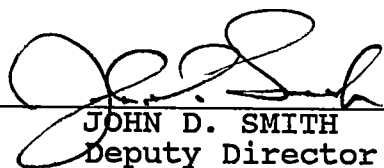
AUG 27 1991

At 4:45 o'clock P. M.  
MARCH FONG EU, Secretary of State  
By Anna M. Marasero  
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the City of Sacramento, State of California.

Submitting Agency: SOCIAL SERVICES  
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OAL File No: 91-0731-04  
-----

  
JOHN D. SMITH  
Deputy Director

08/27/91  
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## EMERGENCY NOTICE/PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 7-90)

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER 91-0908-01E	PREVIOUS REGULATORY ACTION NUMBER
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For use by Office of Administrative Law (OAL) only

1991 SEP -5 PM 5:00

OFFICE OF  
ADMINISTRATIVE LAW  
ENDORSED  
APPROVED FOR FILING

SEP - 6 1991

Office of Administrative Law

NOTICE

REGULATIONS

AGENCY

State Department of Social Services

AGENCY FILE NUMBER (If any)

0991-40

FILED

In the office of the Secretary of State  
of the State of California

SEP 6 1991

At 4:29 o'clock P.M.  
MICHELLE E. U., Secretary of State  
By: Ann M. Manassero  
Deputy Secretary of State

## A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)		FIRST SECTION AFFECTED		2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER			
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		ACTION ON PROPOSED NOTICE		NOTICE REGISTER NUMBER		PUBLICATION DATE	

## B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

## 1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

SECTIONS AFFECTED	ADOPT	30-192.6 and .61
	AMEND	30-002n.
	REPEAL	
TITLE(S) MPP		

## 2. TYPE OF FILING

☐ Regular Rulemaking (Gov. Code, § 11346) ☐ Resubmittal ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100) ☒ Emergency (Gov. Code, § 11346.1(b))

☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

☐ Print Only ☐ Other (specify)

## 3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

Not Applicable

## 4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

☐ Effective 30th day after filing with Secretary of State ☐ Effective on filing with Secretary of State ☒ Effective other (Specify) September 6, 1991

## 5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

☒ Department of Finance (Form STD. 399) ☐ Fair Political Practices Commission ☐ State Fire Marshal

☐ Other (Specify)

## 6. CONTACT PERSON

Jim Rhoads, Asst. Bureau Chief, Regulations Development Bureau

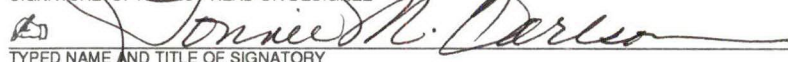
## TELEPHONE NUMBER

(916) 445-0313

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE



TYPED NAME AND TITLE OF SIGNATORY

Lonnie M. Carlson, Interim Director

DATE

9-5-91

**NOTICE PUBLICATION/REGULATIONS SUBMISSION**

STD. 400 (REV. 7-90) ( REVERSE)

**INSTRUCTIONS FOR PUBLICATION OF NOTICE  
AND SUBMISSION OF REGULATIONS**

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

**ALL FILINGS**

Enter the agency name and agency file number, if any.

**NOTICES**

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

**REGULATIONS**

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

**RESUBMITTAL OF DISAPPROVED OR WITHDRAWN  
REGULATIONS**

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

**EMERGENCY REGULATIONS**

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

**NOTICE FOLLOWING EMERGENCY ACTION**

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

**CERTIFICATE OF COMPLIANCE**

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

**EMERGENCY REGULATIONS - READOPTION**

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

Amend Section 30-002 n. to read:

30-002 DEFINITIONS (Continued)

30-002

- n. "Neglect" means the failure to provide a person with necessary care and protection. In the case of a child, the term refers to the failure of a parent(s)/guardian(s) or caretaker(s) to provide the care and protection necessary for the child's healthy growth and development. Neglect occurs when children are physically or psychologically endangered. The term includes both severe and general neglect as defined by Penal Code Section 11165.2 and medically neglected infants as described in 45 Code of Federal Regulations (CFR) Part 1340.15(b).

HANDBOOK BEGINS HERE

(A) through (C) (Continued)

(D) 45 Code of Federal Regulations (CFR) Part 1340.15(b)(1) defines "medical neglect" as follows:

(i) The withholding of medically indicated treatment from a disabled infant with a life-threatening condition.

(E) 45 CFR Part 1340.15(b)(2) defines "withholding of medically indicated treatment" as follows:

...the failure to respond to the infant's life-threatening conditions by providing treatment (including appropriate nutrition, hydration, and medication) which, in the treating physician's (or physicians') reasonable medical judgment, will be most likely to be effective in ameliorating or correcting all such conditions, except that the term does not include the failure to provide treatment (other than appropriate nutrition, hydration, or medication) to an infant when, in the treating physician's (or physicians') reasonable medical judgment any of the following circumstances apply:

(i) The infant is chronically and irreversible comatose;

(ii) The provision of such treatment would merely prolong dying, not be effective in ameliorating or correcting all of the infant's life-threatening conditions, or otherwise be futile in terms of the survival of the infant; or

(iii) The provision of such treatment would be virtually futile in terms of the survival of the infant and the treatment of itself under such circumstances would be inhumane.

(F) 45 CFR Part 1340.15(b)(3) defines "infant" as follows:

(i) ...an infant less than one year of age. The reference to less than one year of age shall not be construed to imply that treatment should be changed or discontinued when an infant reaches one year of age, or to affect or limit any existing protections available under State laws regarding medical neglect of children over one year of age. In addition to their applicability to infants less than one year of age, the standards set forth in 45 CFR Part 1340.15(b)(2) should be consulted thoroughly in the evaluation of any issue of medical neglect involving an infant older than one year of age who has been continuously hospitalized since birth, who was born extremely prematurely, or who has a long-term disability.

(G) 45 CFR Part 1340.15(b)(3) defines "reasonable medical judgment" as follows:

(ii) ...a medical judgment that would be made by a reasonably prudent physician, knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved.

HANDBOOK ENDS HERE

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: 42 USC Section 675; 45 CFR Part 1340.15(b); Section 11165.2, Penal Code; and Sections 300(b), 366.3, 10553, 11008.15, and 16506.1, ~~and~~ Welfare and Institutions Code.

Adopt Sections 30-192.6 and .61 to read:

30-192 GENERAL ADMINISTRATIVE REQUIREMENTS AND PROGRAM SUPPORT  
ACTIVITIES (Continued)

30-192

.6 The county welfare department shall contact each appropriate health care facility in the county to obtain the name, title and telephone number of the person who is mandated to report child abuse and neglect under Penal Code Section 11164, et seq. and who is designated by the health care facility to act as a liaison to the county for medically neglected infants as defined in Section 30-002 (n).

.61 The county welfare department shall no less than once a year recontact each appropriate health care facility in the county to obtain any changes in the name, title and telephone number of the designated person.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 11166, Penal Code and 45 CFR Part 1340.15(c)(2)(ii).

OFFICE OF ADMINISTRATIVE LAW

**FILED**  
In the office of the Secretary of State  
of the State of California.

CERTIFICATION

OF

APPROVAL

SEP 6 1991

At 4:29 o'clock P M.  
MARCH FONG EU, Secretary of State  
By Ann M. Marasero  
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the City of Sacramento, State of California.

Submitting Agency: SOCIAL SERVICES  
-----

OAL File No: 91-0905-01  
-----

  
MARZ GARCIA  
Director

09/06/91  
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## NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 7-90)

OAL FILE NUMBERS	NOTICE FILE NUMBER 291-0322-01	REGULATORY ACTION NUMBER 91-0814-01	EMERGENCY NUMBER	PREVIOUS REGULATORY ACTION NUMBER
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For use by Office of Administrative Law (OAL) only

1991 AUG 14 AM 11:50  
 ENDORSED  
 APPROVED FOR FILING  
 ADMINISTRATIVE LAW  
 SEP 13 1991  
 Office of Administrative Law

FILED

In this office of the Secretary of State  
of the State of California

SEP 13 1991

At 3:10 o'clock P.M.

MARCELO FONG EU, Secretary of State

By *[Signature]*  
Deputy Secretary of State

NOTICE

REGULATIONS

AGENCY

State Department of Social Services

AGENCY FILE NUMBER (If any)

RDB# 0790-29

## A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)		FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER	
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn			NOTICE REGISTER NUMBER	PUBLICATION DATE

## B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

## 1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

SECTIONS AFFECTED	ADOPT	Division 42, Section 42-805 and Division 69, Section 69-213.63
	AMEND	Division 42, Sections 42-802.2, 804, 806, 808, and 811; and Division 69, Sections 69-203, 204, and 205
	REPEAL	Division 42, Section 42-802.3 and 810
TITLE(S) MPP		

## 2. TYPE OF FILING

<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code, § 11346)	<input type="checkbox"/> Resubmittal	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100)	<input type="checkbox"/> Emergency (Gov. Code, § 11346.1(b))
<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.			
<input type="checkbox"/> Print Only <input type="checkbox"/> Other (specify) _____			

## 3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

N/A

## 4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

<input checked="" type="checkbox"/> Effective 30th day after filing with Secretary of State	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> Effective other (Specify) _____
---	--	--

## 5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input type="checkbox"/> Department of Finance (Form STD. 399)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify) _____		

## 6. CONTACT PERSON

Jim Rhoads, Assistant Chief, Regulations Development Bureau

TELEPHONE NUMBER

445-0313

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

*[Signature]*

DATE

8-12-91

TYPED NAME AND TITLE OF SIGNATORY

Lonnie M. Carlson, Interim Director

**NOTICE PUBLICATION/REGULATIONS SUBMISSION**

STD. 400 (REV. 7-90) ( REVERSE)

**INSTRUCTIONS FOR PUBLICATION OF NOTICE  
AND SUBMISSION OF REGULATIONS**

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

**ALL FILINGS**

Enter the agency name and agency file number, if any.

**NOTICES**

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

**REGULATIONS**

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

**RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS**

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

**EMERGENCY REGULATIONS**

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

**NOTICE FOLLOWING EMERGENCY ACTION**

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

**CERTIFICATE OF COMPLIANCE**

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

**EMERGENCY REGULATIONS - READOPTION**

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

Amend Section 42-802.2 and repeal Section 42-802.3 to read:

42-802 JOB, TRAINING, AND EDUCATION FOR RCA GAIN  
PARTICIPANTS

42-802

.1 Education Services (Continued)

.2 Preemployment Preparation Program (PREP) Assignment

- .21 For purposes of determining the number of hours a person participates in a PREP assignment see (Section 42-730.323)/. add the current month's RCA grant/ less any child support paid to the county in the participant's behalf/ and his/her food stamp allotment/ and divide the sum by the average hourly wage for all job orders placed with EDD as determined annually by EDD/

1211 A PREP assignment shall not exceed 32 hours per week/

1212 In the event that the participant's food stamp allotment is at least twice the RCA grant amount/ his/her PREP hours shall not exceed those arrived at by dividing his/her grant amount by the greater of the federal or state minimum wage/

13 Priority in Services

- 131 The CWD shall give priority in providing expensive services and services which must be provided for a lengthy period of time/ to RCA GAIN clients who have over 12 months of unemployment remaining as of the date of registration/ or who have little or no employment history/

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: 45 CFR 400.203.

Amend Sections 42-804.1 and .11 to read:

42-804 DEVELOPMENT OF AN EMPLOYMENT PLAN FOR RCA GAIN 42-804  
PARTICIPANTS

- .1 ~~THE FOLLOWING PERSONS~~ All RCA GAIN participants shall cooperate with the CWD, or agency contracting with the CWD, to develop a mutually agreed upon employment plan/ according to the requirements of Section 69-208.1.

~~ALL PERSONS IDENTIFIED IN SECTION 42-803/1 WHO HAVE NOT OBTAINED EMPLOYMENT AFTER THREE WEEKS OF JOB CLUB OR SUPERVISED JOB SEARCH/~~

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: 45 CFR 400.79.

Adopt Section 42-805 to read:

42-805 RCA JOB SEARCH

42-805

.1 Job search shall be conducted according to the requirements of Section 69-208.2.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: 45 CFR 400.80.

Amend Section 42-806 (Renumbered from 42-805) to read:

42-80~~5~~6 ~~SUPPORTIVE~~ SERVICES FOR RCA GAIN PARTICIPANTS 42-80~~5~~6

- .1 RCA GAIN ~~participants shall not be eligible for GAIN-funded~~  
supportive services shall be funded according to Section 42-  
720.13.

42-80~~6~~7

Authority Cited: Sections 10553 and 10554, Welfare and  
Institutions Code.

Reference: Sections 10553 and 10554, Welfare and  
Institutions Code.

Amend Section 42-808 (renumbered from 42-807) and renumber Sections 42-808 and 809 to 42-809 and 810 to read:

42-8078 GOOD CAUSE CRITERIA FOR RCA GAIN PARTICIPANTS 42-8078

.1 All good cause criteria specified in Section 69-209.4 shall apply. Good cause criteria specified in Sections 42-782 and 42-783 shall also apply except for Section 42-783.1(m).

42-8089 (Continued)

42-80810 (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553 and 10554, Welfare and Institutions Code.

Repeal Section 42-810:

42-810 MONEY MANAGEMENT FOR RCA GAIN PARTICIPANTS

42-810

/1 Money management provisions in section 42-788 shall not apply to RCA GAIN participants/

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553 and 10554, Welfare and Institutions Code.

Amend Section 42-811 to read:

42-811 FINANCIAL SANCTIONS FOR RCA GAIN PARTICIPANTS 42-811

- .1 If the nonexempt, nondeferred RCA GAIN participant has refused or failed, without good cause, to meet or comply with the requirements of Sections 69-208.1 through 69-208.3 ~~and /s/~~ and Sections 42-781.11 through .13, and the conciliation efforts in Sections 42-781.4 through .8 have failed, the CWD shall discontinue benefits in accordance with Section 69-20810.02.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553 and 10554, Welfare and Institutions Code.

Amend Sections 69-203.13, .21, .4 and .41 to read:

69-203 DEFINITIONS

69-203

- .1 For purposes of determining eligibility for cash and medical assistance and social services under RRP, the following persons have been identified by the Federal Government as meeting the definition of a refugee:
- .11 (Continued)
- .12 (Continued)
- .13 An individual from any country other than Cambodia, Laos, Vietnam or Cuba who was paroled under Section 212(d)(5) of the INA as a refugee/ or asylee ~~or under~~ ~~parole program~~ ~~as indicated on Form 1794.~~  
(Continued)
- .2 For purposes of determining eligibility for assistance and social services under RRP, the term "refugee" does not include:
- .21 Any person with an INS status of 1) applicant for asylum (as distinguished from a person who has been granted asylum) or 2) Cuban/Haitian Entrant, or 3) Humanitarian/Public Interest Parolee. (Continued)
- .4 ~~Cash Assistance~~ RCA
- .41 For purposes of determining eligibility for RCA, RCA means cash assistance provided to refugees who have been determined to be ineligible for AFDC or SSI/SSP and who have resided in the United States for no longer than the period of time required by federal regulations contained in 45 CFR Sections 400 et seq. or official issuances from the Director of the Federal Office of Refugee Resettlement. This period of time is referred to as time eligibility. (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: 8 U.S.C. 1182(d)(5)(B).

Amend Section 69-204.2 to read: .

69-204 RESETTLEMENT AGENCY, SPONSOR AND COUNTY  
RESPONSIBILITIES

69-204

.1 (Continued)

.2 County Responsibilities

When a time-eligible refugee applies to a county for financial assistance, the procedures outlined below shall be followed.

.21 The CWD, as part of the regular process of determining or redetermining a time-eligible refugee's eligibility for cash assistance ~~during the first 24 months after the refugee's entry into the U.S./~~, shall: (Continued)

.22 When a VOLAG or sponsor requests the address and telephone number for a time-eligible refugee ~~during his/her first 24 months after his/her entry into the United States~~, the CWD shall provide this information to the VOLAG or sponsor. (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553 and 10554, Welfare and Institutions Code and 45 CFR 400.

Amend Section 69-205.4 to read:

69-205 ELIGIBILITY FOR SSI/SSP AND AFDC PROGRAMS  
(Continued)

69-205

.4 Time-Eligibility for AFDC and SSI/SSP

Federal RRP funds are available for reimbursement of the normal nonfederal share of AFDC, SSI/SSP and Medi-Cal program costs for eligible refugees who are time-eligible. Determination of time eligibility is as follows:

- .41 A refugee who ~~is within the 24-month period from the date of entry into the United States~~ has resided in the United States for not more than the period of time allowed by the federal regulations contained in 45 CFR Sections 400 et seq. shall be considered an AFDC or SSI/SSP time-eligible refugee.

HANDBOOK BEGINS HERE

- .411 Federal policy, effective January 1, 1990, limits AFDC and SSI/SSP refugee time eligibility to the first four months from the refugee's entry into the United States.

HANDBOOK ENDS HERE

- .42 A refugee who has lived in the United States for more than ~~24 months~~ the period allowed in Section 69-205.41 from date of entry shall be considered an AFDC or SSI/SSP time-expired refugee.
- .43 Children born in the United States of refugee parents shall be considered time-expired upon time-expiration of the most recently arrived parent or at the end of the ~~24th month~~ period allowed in Section 69-205.41 from the child's birth date, whichever occurs sooner.  
(Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: 45 CFR 400.203.

Adopt Section 69-213.63 to read:

69-213 UNACCOMPANIED REFUGEE MINORS (Continued)

69-213

- .6 In addition to the case planning requirements of Division 30, the CWD shall plan for the provision of the following services to unaccompanied minors.

.61 (Continued)

.62 (Continued)

.63 Preparation of Refugee and Entrant Unaccompanied Minor Placement Report, ORR-3 (10/86), and annual Refugee and Entrant Unaccompanied Minor Progress Report, ORR-4 (10/86), to be sent to SDSS for the purpose of aiding family reunification.

.631 The CWD shall send to SDSS:

(a) The initial ORR-3 within 30 days of the minor's placement in the county.

(b) An ORR-4 every 12 months beginning with 12 months from the date of the initial ORR-3.

(c) An ORR-3 within 60 days of the date that:

(1) The minor's placement is changed; or

(2) Legal responsibility of any kind for the minor is established or transferred.

(d) A final ORR-3 within 60 days of the date that the minor:

(1) Is reunited with a parent; or

(2) Is united with a nonparental adult (relative or nonrelative) to whom legal custody, guardianship, or adoption is granted under state law and who is willing and able to care for the minor; or

(3) Is emancipated.

Authority Cited: Sections 10553 and 10554, Welfare and  
Institutions Code.

Reference: 45 CFR 400.120.

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

**FILED**

In this office of the Secretary of State  
of the State of California

SEP 13 1991

At 3:10 o'clock P.M.

ARCHER PONG EU, Secretary of State

By *[Signature]*  
Deputy Secretary of State

This certifies that the regulations submitted in the  
rulemaking file identified below were reviewed and approved  
by the Director of the Office of Administrative Law in the  
City of Sacramento, State of California.

Submitting Agency: SOCIAL SERVICES

OAL File No: 91-0814-01

*[Signature]*  
MARZ GARCIA  
Director

09/13/91

## NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 7-90)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-91-0419-01	REGULATORY ACTION NUMBER 91-0830-015	EMERGENCY NUMBER	PREVIOUS REGULATORY ACTION NUMBER
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For use by Office of Administrative Law (OAL) only

NOTICE	REGULATIONS
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AGENCY

State Department of Social Services

AGENCY FILE NUMBER (if any)

RDB# 0391-09

**FILED**  
In the office of the Secretary of State  
of the State of California

SEP 19 1991

At 4:26 o'clock P.M.  
MARCH FONG EU, Secretary of State  
By Am M. Marasero  
Deputy Secretary of State

**A. PUBLICATION OF NOTICE** (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER 91/18-2	PUBLICATION DATE 5-3-91	

**B. SUBMISSION OF REGULATIONS** (Complete when submitting regulations)

## 1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

SECTIONS AFFECTED	ADOPT
	AMEND Section 45-202
	REPEAL
TITLE(S) MPP	

## 2. TYPE OF FILING

☒ Regular Rulemaking (Gov. Code, § 11346) ☐ Resubmittal ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100) ☐ Emergency (Gov. Code, § 11346.1(b))

☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

☐ Print Only ☐ Other (specify)

## 3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

N/A

## 4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

☐ Effective 30th day after filing with Secretary of State ☐ Effective on filing with Secretary of State ☒ Effective other (Specify) October 1, 1991

## 5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

☒ Department of Finance (Form STD. 399) ☐ Fair Political Practices Commission ☐ State Fire Marshal

☐ Other (Specify)

## 6. CONTACT PERSON

Jim Rhoads, Assistant Bureau Chief, Regulations Development Bureau

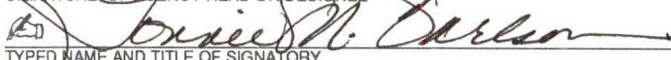
TELEPHONE NUMBER

(916) 445-0313

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE



DATE

8-27-91

TYPED NAME AND TITLE OF SIGNATORY

Lonnie Carlson, Interim Director

**NOTICE PUBLICATION/REGULATIONS SUBMISSION**

STD. 400 (REV. 7-90) ( REVERSE)

**INSTRUCTIONS FOR PUBLICATION OF NOTICE  
AND SUBMISSION OF REGULATIONS**

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

**ALL FILINGS**

Enter the agency name and agency file number, if any.

**NOTICES**

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

**REGULATIONS**

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

**RESUBMITTAL OF DISAPPROVED OR WITHDRAWN  
REGULATIONS**

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

**EMERGENCY REGULATIONS**

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

**NOTICE FOLLOWING EMERGENCY ACTION**

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

**CERTIFICATE OF COMPLIANCE**

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

**EMERGENCY REGULATIONS - READOPTION**

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

Amend Sections 45-202.3 and 45-202.421 to read:

45-202 FEDERAL AFDC-FC PROGRAM (Continued)

45-202

.3 AFDC-FG/U Linkage Determination

.31 The child shall have been linked to the federal Aid to Families with Dependent Children - Family Group/Unemployed (AFDC-FG/U) Program during the petition month or any of the six (6) months prior to the month in which the petition was filed with the juvenile court, which led to foster care the child's placement into foster care pursuant to a detention or dispositional order. That is/ This linkage requirement is met as long as the following two conditions are met during the petition month or any of the six months prior to the court proceedings which led to the foster care placement/ if one of the following conditions exists during the month in which the petition was filed:

.311 The child was living in the home of the parent or relative from whom removed, was eligible for, and received federal AFDC-FG/U.

.312 The child resided with the was living in the home of the parent or relative from whom removed/ and would have been eligible for federal AFDC-FG/U if the child either received or could have received AFDC-FG/U while residing with that relative had application been made.

.313 The child was no longer living in the home of the parent or relative from whom removed, but would have been eligible for federal AFDC-FG/U based on that parent's or relative's home had he/she been living there and had application been made.

(a) To meet this condition, the child shall have been living with the parent or relative from whom removed, within any of the six months prior to the month in which the petition was filed with the juvenile court, which led to the child's placement into foster care pursuant to a detention or dispositional order. (Continued)

.4 Authority for Placement (Continued)

- .421 This requirement shall be determined to be met if the child was absent from the parent's or relative's home in the month the petition, which initiated court action for removal, was filed, provided the child had resided with such parent or relative within any of the six months prior to the month that petition was filed. For example, the child was living with a grandparent for any reason in the month the petition was filed. However, within any of the six months preceding the filing of the petition, which initiated court action, the child lived with the parent from whom the child was removed. This child shall be considered removed from the home of his/her parent and placed with the grandparent. Furthermore, the linkage determination shall be based on that parent's home as provided in Sections 45-202.313 ~~and~~ /311.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: 42 U.S.C. 672(a)(4).

OFFICE OF ADMINISTRATIVE LAW

**FILED**  
In the office of the Secretary of State  
of the State of California

CERTIFICATION

OF

APPROVAL

SEP 19 1991

At 4:26 o'clock P. M.  
MARCH FONG EU, Secretary of State  
By Ann M. Manassero  
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the City of Sacramento, State of California.

Submitting Agency: SOCIAL SERVICES

OAL File No: 91-0830-01

  
MARZ GARCIA  
Director

09/19/91

## NOTICE PUBLICATION/REGULATIONS SUBMISSION

**CERT**

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 7-90)

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER	PREVIOUS REGULATORY ACTION NUMBER
		91-0827-03C		91-0419-12E

For use by Office of Administrative Law (OAL) only

1991 AUG 27 PM 2 19

OFFICE OF  
ADMINISTRATIVE LAW  
ENDORSED  
APPROVED FOR FILING

SEP 24 1991

**FILED**  
In the office of the Secretary of State  
of the State of California

SEP 24 1991

At 3:55 o'clock P.M.  
MARCH FONG EU, Secretary of State  
By Ann M. Manassero  
Deputy Secretary of State

AGENCY	REGULATIONS	AGENCY FILE NUMBER (if any)
State Department of Social Services		0391-12

**A. PUBLICATION OF NOTICE** (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	ACTION ON PROPOSED NOTICE	NOTICE REGISTER NUMBER	PUBLICATION DATE
		91-0827-2	5-31-91

**B. SUBMISSION OF REGULATIONS** (Complete when submitting regulations)

## 1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

SECTIONS AFFECTED	ADOPT
	AMEND
	50-019.1, .22, .314, .411(a), .424, .522, .531, .71, .72, and .728
TITLE(S)	REPEAL
MPP	

## 2. TYPE OF FILING

<input type="checkbox"/> Regular Rulemaking (Gov. Code, § 11346)	<input type="checkbox"/> Resubmittal	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100)	<input type="checkbox"/> Emergency (Gov. Code, § 11346.1(b))
<input checked="" type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.			

<input type="checkbox"/> Print Only	<input type="checkbox"/> Other (specify)
-------------------------------------	--

## 3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

Not Applicable

## 4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

<input checked="" type="checkbox"/> Effective 30th day after filing with Secretary of State	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> Effective other (Specify)
---	--	--

## 5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input checked="" type="checkbox"/> Department of Finance (Form STD. 399)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
---	--	---

<input type="checkbox"/> Other (Specify)
--

## 6. CONTACT PERSON

Jim Rhoads, Asst. Bureau Chief, Regulations Development Bureau

## TELEPHONE NUMBER

(916) 445-0313

## 7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

Lonnie M. Carlson

TYPED NAME AND TITLE OF SIGNATORY

Lonnie M. Carlson, Interim Director

DATE

8-26-91

**NOTICE PUBLICATION/REGULATIONS SUBMISSION**

STD. 400 (REV. 7-90) ( REVERSE)

**INSTRUCTIONS FOR PUBLICATION OF NOTICE  
AND SUBMISSION OF REGULATIONS**

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

**ALL FILINGS**

Enter the agency name and agency file number, if any.

**NOTICES**

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

**REGULATIONS**

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

**RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS**

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

**EMERGENCY REGULATIONS**

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

**NOTICE FOLLOWING EMERGENCY ACTION**

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

**CERTIFICATE OF COMPLIANCE**

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

**EMERGENCY REGULATIONS - READOPTION**

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

Amend Sections 50-019.1, .22, .314, .411(a), .424, .522, .531, .71, .72, and .728 to read:

50-019 WRL V. WOODS RETROACTIVE COURT CASE

50-019

HANDBOOK BEGINS HERE

.1 Background

The WRL v. Woods lawsuit challenged the State Department of Social Services' (SDSS) application of Eligibility and Assistance Standards (EAS) Section 40-129. Specifically, the complaint alleged that applicants were wrongfully denied Immediate Need payments and had the beginning date of aid delayed unnecessarily. On October 31, 1990, the Final Order settling the lawsuit was signed in Sacramento County Superior Court. Under the terms of the order, SDSS and County Welfare Departments (CWDs) must inform current cash aid recipients about possible retroactive benefits. The provisions of the order that involve retroactivity are set forth in these regulations.

HANDBOOK ENDS HERE

.2 Definitions

For the purposes of these regulations:

.21 "Class members" means those individuals who:

.211 Applied for and were granted AFDC between February 4, 1982 and April 21, 1988; and

.212 Were wrongfully denied Immediate Need payments due to the application of Section 40-129; and

.213 Had the beginning date of cash aid delayed as a result of the wrongful denial of the request for an Immediate Need payment.

.22 "Five standard languages" means Spanish, Vietnamese, Laotian, Chinese, and Cambodian.

.23 "Immediate Need" means a condition that existed during the retroactive period when:

.231 The claimant had an emergency situation; and

.232 The claimant's resources were less than \$100; and

.233 The available resources could not have met the claimant's emergency situation.

.24 "Informing/Claim form (TEMP 1785, Rev. 3/91)" means the form which informs potential claimants about the court case and is used to file a claim.

- .241 The TEMP 1785 shall be printed in English and the five standard languages.
- .242 The TEMP 1785 shall be completed, signed, and returned by the claimant to the appropriate CWD to initiate the claim determination process.
- .25 "Informing Notice" (TEMP 1786, Rev. 3/91) means the form mailed to current recipients as a "Medi-Cal stuffer" to inform potentially eligible persons of possible retroactive benefits.
- .26 "Liquid Resources" means resources which were immediately available and reasonably convertible to cash in time to have met the claimant's emergency situation during the retroactive period.
- .27 "NOA" means a Notice of Action (NOA) that is considered to be adequate within the meaning of MPP Section 22-001 a. A claimant is considered to be "informed" of the outcome of a claim when the claimant is provided with a NOA.
- .28 "Responsible CWD" means the County Welfare Department that took the action on which the claimant's claim is based.
- .29 "Retroactive period" means the period of time between February 4, 1982 and April 21, 1988.
- .3 Informing of Possible Retroactive Benefits
  - .31 SDSS Responsibilities
    - SDSS shall:
      - .311 Include TEMP 1786 with the Medi-Cal cards issued to cash aid recipients for the month of May 1991.
      - .312 For cash aid recipients who do not receive a Medi-Cal card, mail the TEMP 1786 at the same time Medi-Cal cards are issued for cash aid recipients for the month of May 1991.
      - .313 Issue Informing Posters (TEMP 1792, Rev. 3/91).
        - (a) The TEMP 1792 shall be printed in English and Spanish with the bullets printed in Vietnamese, Laotian, Chinese, and Cambodian.
          - (1) The English and Spanish entries shall inform of possible retroactive benefits.
          - (2) The bullets shall state (as translated): "Welfare may owe you money. You may contact the Welfare Department for a translation of this notice or call this toll free number".

(b) Supplies of both the English and Spanish versions of the TEMP 1792 shall be sent to CWDs for posting from May 1, 1991 through June 30, 1991. These supplies shall be sent by SDSS no later than April 20, 1991.

(c) Supplies of the TEMP 1792 shall be sent to CWDs for distribution to Food Stamp issuance offices for posting from May 1, 1991 through June 30, 1991.

(d) Posters shall be sent to up to 300 addressees to be supplied by the plaintiffs up to a maximum of 300 posters.

.314 Make available up to \$30,000 for a summary or copy of the TEMP 1785 to be published in the newspapers or other media of plaintiff/s' choice.

.315 Provide CWDs with reproducible copies of the TEMP 1785 in English and the five standard languages.

#### .32 CWD Responsibilities

CWDs shall:

.321 Post the TEMP 1792 in English and Spanish in conspicuous locations in all CWD offices from May 1, 1991 through June 30, 1991.

.322 Forward a supply of TEMP 1792s in English and Spanish to all Food Stamp issuance outlets within the county with instructions that the posters be displayed in conspicuous locations from May 1, 1991 through June 30, 1991.

.323 Reproduce an adequate supply of the TEMP 1785 in English and the five standard languages.

.324 Give or mail TEMP 1785s to anyone upon request.

#### .4 Application for Retroactive Benefits:

##### .41 Claimant Responsibilities

The claimant shall:

.411 Provide a completed (see Section 50-019.511) signed TEMP 1785. The TEMP 1785 shall be signed under penalty of perjury.

(a) If a CWD requires additional information from the claimant that has been omitted from the Informing/Claim form, the claimant shall have 30 calendar days from the date the CWD requests the missing information to return the Informing/Claim form with the requested information. A NOA (M50-019Dt, Rev. 3/91) shall be used to request and identify needed information.

.412 Submit the TEMP 1785 to the local CWD or to the responsible CWD. The TEMP 1785 shall be submitted or postmarked, if mailed, no later than June 30, 1991.

(a) The claimant shall be permitted to resubmit a previously denied claim during the period from May 1, 1991 through June 30, 1991.

(b) If the original TEMP 1785 is submitted within the period, but is returned for additional information or forwarded to the responsible CWD, the date of the original submission is the date of the claim.

#### .42 CWD Responsibilities

When a TEMP 1785 is submitted, the CWD shall:

.421 Stamp each TEMP 1785 with the date received and retain all envelopes that were postmarked after June 30, 1991.

.422 In each case where a claim is filed, maintain all documents until the end of the claim period.

.423 Attempt to locate a case record.

.424 Determine if the CWD is the responsible CWD.

(a) If the receiving CWD determines that it is not the responsible CWD, deny the claim, send the claimant a NOA (M50-019Ct, Rev. 3/91) and forward the TEMP 1785 to the responsible CWD within 15 working days from the date of receipt:

(1) The date of claim shall be the date the claim is initially received by the first CWD.

(2) The receiving CWD shall send the responsible CWD the TEMP 1785, any supporting documentation, and a copy of the NOA (M50-019Ct) sent to the claimant.

(b) If the receiving CWD determines that it is the responsible CWD, process the claim.

(c) If the responsible CWD cannot be determined, deny the claim and send the claimant a NOA (M50-019Bt, Rev. 3/91).

#### .5 Claims Processing

The responsible CWD shall determine whether the claimant is a class member and take appropriate action within 60 days of receipt of the original claim. The CWD shall:

.51 Review each TEMP 1785 received.

- .511 The TEMP 1785 is complete when the claimant has provided the following information:
- (a) Claimant's Social Security Number.
  - (b) Case name(s) during the retroactive period.
- .512 The following information shall be provided on the TEMP 1785 to the fullest extent possible:
- (a) County(ies) of residence during the retroactive period.
  - (b) The approximate date(s) of the application(s) for AFDC and request(s) for an Immediate Need payment during the retroactive period.
  - (c) Whether AFDC was granted based on the application(s) during the retroactive period.
  - (d) Whether Immediate Need or other assistance was granted based on the application(s) during the retroactive period.
  - (e) What emergency situations the family had which it could not meet or were not met by the county based on the application(s) during the retroactive period.
  - (f) Claimant's current address.
- .52 Request further information or clarification if the form lacks essential information or the information is internally inconsistent.
- .521 The CWD shall complete claim processing and pay the claim without, to the extent possible, requiring claimants to come in person to the local or the responsible CWD.
- .522 As necessary, request that the claimant supply documentation in support of the claim if such documentation is in the claimant's possession.
- (a) As necessary, if the claimant does not have documentation in his/her possession, request that the claimant sign a Release of Information form (ABCDM 228, (Rev. 10/78) or CWD equivalent form), to allow the CWD to obtain documentation on the claimant's behalf.
  - (b) If the claimant fails to provide documentation in his/her possession or sign the Release of Information form in support of the claim, deny the claim and send a NOA (M50-019Bt) to the claimant.

- .53 Compare information on the TEMP 1785 to information in the case record.
  - .531 If the information the claimant has provided on the TEMP 1785 conflicts with the information contained in the case record, use the information contained in the CWD's records to determine eligibility for retroactive benefits.
  - .532 If case record information is not available or is insufficient, use information provided by the claimant on the TEMP 1785 to determine eligibility for retroactive benefits.
- .54 If the CWD determines that the claimant is not making a claim for a class member, deny the claim and send a NOA (M50-019Bt) to the claimant.
- .55 If the TEMP 1785 is not complete, as specified in Section 50-019.511, send a NOA (M50-019Dt) to the claimant to request additional information. If the CWD requests additional information from the claimant, the CWD shall have an additional 30 days from the receipt of the returned information to process the claim.
- .56 If the original TEMP 1785 is submitted, but is not received within the period from May 1, 1991 through June 30, 1991, deny the claim and send a NOA (M50-019Bt) to the claimant.
- .57 If the CWD can find no record that the claimant applied for or received cash aid during the retroactive period, deny the claim and send an NOA (M50-019Bt) to the claimant.
- .58 If more than one eligible claim is made for a specific instance of eligibility for retroactive benefits, the first such claim filed shall be processed and any subsequent claim denied.
- .59 If the claimant is a class member, compute and pay retroactive benefits.

.6 Computation of Retroactive Benefits

- .61 Assistance units (AUs) which are determined to be class members shall be eligible for a flat \$100 benefit for each and every time the claimant was wrongfully denied an Immediate Need payment during the retroactive period.
  - .611 No interest shall be paid on the retroactive benefit.
- .62 Retroactive benefits are considered corrective underpayments and therefore are not to be considered income or as resources for grant calculation in the month received and the following month.
- .63 To the extent permitted by federal law and regulations, retroactive benefits shall not be considered as income or property as a condition of eligibility in the Food Stamp Program.

.64 Retroactive benefits due and owing may be offset against outstanding recoupable overpayments. However, in no event shall such benefits be offset against an overpayment occurring prior to October 31, 1987.

.65 Counties shall ensure that retroactive benefits shall not be considered as part of the grant calculations even when reported on the monthly reporting document.

.7 Statistical Reporting

.71 The CWDs shall submit a statistical report (TEMP 1172A, Rev. 3/91) no later than October 15, 1991 indicating the:

.711 Number of TEMP 1785s received.

.72 The CWDs shall submit a second statistical report (TEMP 1172B, Rev. 3/91) no later than January 15, 1992 indicating the:

.721 Number of TEMP 1785s provided.

.722 Number of TEMP 1785s received.

.723 Number of claims denied because the TEMP 1785 was not received by the local or the responsible CWD before June 30, 1991.

.724 Number of claims denied because the eligibility to retroactive benefits cannot be established based on the case record information (if any), the documentation submitted by the claimant (if any), and the TEMP 1785.

.725 Number of claims denied because the claimant was not a class member.

.726 Number of claims denied by the receiving CWD with a referral to another CWD.

.727 Number of claims denied because they were not submitted to the responsible CWD.

.728 Number of claims denied for all other reasons.

.729 Number of claims granted.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Welfare Recipients' League, Inc. v. Woods, (Stipulation of Settlement and Consent Decree), No. 268972, Superior Court of the State of California, County of Sacramento, October 31, 1990.

OFFICE OF ADMINISTRATIVE LAW

**FILED**  
In the office of the Secretary of State  
of the State of California

CERTIFICATION

OF

APPROVAL

SEP 24 1991

At 3:55 o'clock P.M.  
MARCH FONG EU, Secretary of State  
By Ann M. Manassero  
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the City of Sacramento, State of California.

Submitting Agency: SOCIAL SERVICES  
-----

OAL File No: 91-0827-03  
-----

  
MARZ GARCIA  
Director

09/24/91  
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## NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 7-90)

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER	PREVIOUS REGULATORY ACTION NUMBER
		91-0828-02C		91-0419-02E
For use by Office of Administrative Law (OAL) only				
<p>1991 AUG 28 PM 3 52</p> <p>ENDORSED ADMINISTRATIVE FILING</p> <p>SEP 26 1991</p> <p>Office of Administrative Law</p>				
NOTICE			REGULATIONS	
AGENCY			AGENCY FILE NUMBER (if any)	
STATE DEPARTMENT OF SOCIAL SERVICES			RDB#0191-08	

**FILED**  
in the office of the Secretary of State  
of the State of California

SEP 26 1991

At 4:53 o'clock P.M.  
MARCH FONG EU, Secretary of State  
Anne M. Maravero  
Deputy Secretary of State

## A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE
			91, #14-2	4-5-91

## B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

## 1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

SECTIONS AFFECTED	ADOPT
	42-1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011 and 1012
	AMEND
	42-710.3, 42-720.13, .135, .33, .34, 42-1006.1, 42-1007.36
TITLE(S)	REPEAL
MPP	

## 2. TYPE OF FILING

☐ Regular Rulemaking (Gov. Code, § 11346) ☐ Resubmittal ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100) ☐ Emergency (Gov. Code, § 11346.1(b))

☒ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.6 prior to, or within 120 days of, the effective date of the regulations listed above.

☐ Print Only ☐ Other (specify)

## 3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

July 12, 1991 to July 29, 1991

## 4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

☐ Effective 30th day after filing with Secretary of State ☒ Effective on filing with Secretary of State ☐ Effective other (Specify)

## 5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

☐ Department of Finance (Form STD. 399) ☐ Fair Political Practices Commission ☐ State Fire Marshal

☐ Other (Specify)

## 6. CONTACT PERSON

Jim Rhoads, Asst. Chief, Regulations Development Bureau

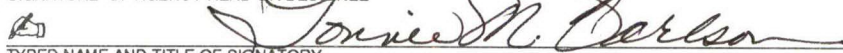
## TELEPHONE NUMBER

445-0313

## 7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE



DATE

8-27-91

TYPED NAME AND TITLE OF SIGNATORY

LONNIE M. CARLSON, INTERIM DIRECTOR

Item of Items B, and B4  
agency request 12c 9/26/91

## INSTRUCTIONS FOR PUBLICATION OF NOTICE AND SUBMISSION OF REGULATIONS

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

### ALL FILINGS

Enter the agency name and agency file number, if any.

### NOTICES

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

### REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

### RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

### EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

### NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

### CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

### EMERGENCY REGULATIONS - READOPTION

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

Amend Section 42-710.3 to read:

42-710 INTRODUCTION TO GAIN (Continued)

42-710

.3 (Continued)

(t) Supplemental Refugee Services (SRS) GAIN Participant  
means an AFDC refugee who would otherwise be  
temporarily excepted from the full range of GAIN  
services pursuant to an approved county cost reduction  
plan.

"Supplemental Refugee Services (SRS) GAIN Component"  
means a supplemental services component, within the  
GAIN Program, for AFDC refugees who would otherwise be  
temporarily excepted from the full range of GAIN  
services due to GAIN funding limitations.

(u) (Continued)

(v) (Continued)

(w) (Continued)

(x) (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and  
Institutions Code.

Reference: Section 13280, Welfare and Institutions Code.

Amend Sections 42-720.13, .135, .33 and .34 to read:

42-720 THE GAIN COUNTY PLAN (Continued)

42-720

.1 (Continued)

.13 The primary GAIN participants are AFDC applicants and recipients. To the extent federal Refugee Employment Social Services (RESS) and/or Targeted Assistance (TA) funds are available, AFDC refugees who would otherwise be temporarily excepted from GAIN services, as specified in Section 42-720.6, may be provided services through the Supplemental Refugee Services (SRS) Component. The county may also provide services to refugees receiving or applying for Refugee Cash Assistance (RCA), and/or to General Assistance (GA) applicants and recipients, except that no funds appropriated for GAIN shall be used to serve these individuals or individuals participating in the SRS Component. (Continued)

.134 If the county elects to maintain an SRS Component for AFDC refugees, MPP Chapter 42-1000 provisions shall apply to these individuals.

HANDBOOK BEGINS HERE

.135 An example of an excepted refugee from participation in GAIN follows:

A refugee AFDC recipient who has been on aid for six months is referred for mandatory participation in GAIN. However, the county is in a GAIN cost reduction mode and is only doing intake for persons who have been on aid for more than three years. Therefore, although mandatorily ~~referred~~ required to participate in GAIN, the refugee is excepted from participation due to the county being in a GAIN cost reduction mode. This refugee AFDC recipient can be referred for mandatory participation in the SRS Component but cannot be served via the RCA Employment Services System.

HANDBOOK ENDS HERE

.136 (Continued)

.137 (Continued)

.2 (Continued)

## .3 (Continued)

- .33 Counties which receive federal refugee employment social services (RESS) and/or federal targeted assistance (TA) funding shall include in its GAIN Plan a section which specifically addresses provision of services for refugee AFDC applicants and recipients.
- .34 Counties electing to implement the SRS Component shall ensure that county GAIN staff work with county refugee program staff ~~and~~ as well as with representatives of local mutual assistance associations, voluntary agencies and other organizations involved in providing services to refugees.
- .35 Counties which receive federal RESS and/or TA funds and are submitting a cost reduction plan shall include an assessment of the effects of cost reductions on the provision of GAIN services to refugees and shall provide a detailed narrative describing what actions, if any, will be taken.
- .36 (Continued)
  - .361 (Continued)
- .37 (Continued)
  - .371 (Continued)
- .38 (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 13280, Welfare and Institutions Code.

42-1001

Reference: Section 13280, Welfare and Institutions Code.

42-1002 INTRODUCTION - GAIN REQUIREMENTS FOR SRS  
PARTICIPANTS

42-1002

All Chapter 42-700 regulations shall apply to GAIN SRS participants, unless superseded by regulations contained in Sections 42-1000 through 42-1012.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553, 10554, and 13280, Welfare and Institutions Code.

- .1 That portion of the county's GAIN Plan which addresses the implementation of the SRS Component shall be developed with significant participation by and input from public and private agencies/organizations involved in refugee resettlement. The county's planning process shall include representatives from refugee community-based organizations, voluntary agencies, local public/private providers of services to refugees, and refugee community leaders.

## HANDBOOK BEGINS HERE

- .2 Counties may use the GAIN planning process if that process meets the requirements specified above.

## HANDBOOK ENDS HERE

- .3 If the county's GAIN planning process does not meet the requirements contained in Section 42-1003.1, the county shall conduct a supplementary planning process.
- .4 That portion of the county's GAIN plan which describes the SRS Component shall describe the planning process. This description shall identify the planning participants and discuss how the proposed services reflect the information received during the planning process.
- .5 The description of the SRS Component shall also include the following information:
  - .51 Labor market analysis and identification of the population to be served;
  - .52 Description of the service population's needs;
  - .53 Description of the services to be provided including the types of services and the service delivery methodologies;
  - .54 Amount of funding and the anticipated outcomes specific to each service to be provided including intake, determination of client service needs, referral to services, and supportive services;
  - .55 Descriptive narrative and a flow chart of the client flow process which shall be used to determine the refugee's service needs and refer refugees to services within the SRS Component; and

- .56 Description of the procurement process which shall be used to procure services to be provided under the SRS Component.
- .6 Counties shall not be required to use the GAIN client flow process. Counties electing not to use the GAIN client flow process shall develop and implement county-specific client flow processes which shall be subject to SDSS review and approval.
- .7 Counties shall annually update that section of the county GAIN/JOBS Plan which contains the discussion and description of the SRS Component. The SRS update may be coordinated with the annual update of the county GAIN Plan.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 13277, 13278, and 13280, Welfare and Institutions Code and Federal Register, Volume 51, No. 166, pages 30546 through 30553 dated Wednesday, August 27, 1986.

- .1 An initial determination of employability shall be made within a reasonable time period prior to the refugee's participation in the SRS Component. The determination shall be based on:
  - .11 The individual's educational, child care, and other supportive services needs;
  - .12 The individual's proficiencies, skill levels, and prior work experience;
  - .13 A review of the family circumstances, which may include the needs of any child of the individual; and
  - .14 Other factors that are determined relevant in developing the employability plan as described in Section 42-1006.

HANDBOOK BEGINS HERE

- .2 The initial determination of employability may be conducted through various methods such as interviews, testing, counseling, and self-assessment instruments.

HANDBOOK ENDS HERE

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 13280, Welfare and Institutions Code and 45 CFR 250.41.

- .1 The county shall make an initial county-standardized determination of the refugee client's employability and services needs relative to:
  - .11 The refugee's English language training and educational needs, employment skills and prior work history; and
  - .12 The refugee's supportive needs, including child care, and the needs of the individual's eligible children.

HANDBOOK BEGINS HERE

- .2 Counties may use existing service needs determination instruments/systems or develop SRS-specific systems to determine the refugee's service needs.

HANDBOOK ENDS HERE

- .3 Whichever system(s) the county elects to use shall be used consistently for all refugees participating in SRS Component services.
- .4 The service needs determination process shall be described in detail in the section of the GAIN Plan which includes the SRS Component.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 13280, Welfare and Institutions Code and 45 CFR 250.41.

Amend Section 42-1006.1 to read:

42-1006 DEVELOPMENT OF AN EMPLOYABILITY PLAN FOR SRS  
COMPONENT PARTICIPANTS

42-1006

- .1 On the basis of the initial determination of the client's employability and service needs (see Section 42-1005.1), the determination agency shall develop an employability plan in consultation with the participant, including a participant in a self-initiated activity. The employability plan shall:
  - .11 Contain an employment goal for the participant;
  - .12 Describe the services to be provided by the determination agency, including child care and other supportive services;
  - .13 Describe the activities that will be undertaken by the participant to achieve the employment goal; and
  - .14 Describe any other needs of the family, such as participation by a child in drug education or in life skill planning sessions. The employability plan must take into account:
    - .141 Available program resources;
    - .142 The participant's supportive services needs;
    - .143 The participant's skills level and aptitudes;
    - .144 Local employment opportunities; and
    - .145 To the maximum extent possible the preferences of the participant.
- .2 The employability plan shall not be considered a contract.
- .3 Final approval of the employability plan rests with the determination agency.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 13280, Welfare and Institutions Code and 45 CFR 250.41.

Amend Section 42-1007.36 to read:

42-1007 SRS PARTICIPANT CONTRACTS

42-1007

- .1 Counties shall use contracts for clients participating in the SRS Component.
- .2 Counties shall be permitted to use the GAIN participant contracts or, subject to SDSS review and approval, develop their own county-specific contracts.
- .3 All client contracts shall be signed by the participant and the provider agency and shall, at a minimum, contain the following information:
  - .31 The purpose of the contract;
  - .32 The provider's participation standards;
  - .33 The participant's obligations, rights and responsibilities;
  - .34 The length of participation in the service/activity, including the number of hours of participation per week;
  - .35 The educational, training and/or employment services activities in which the refugee will participate; and
  - .36 ~~The supportive services (including child care) if any, which are to be provided.~~

A detailed description of the types of supportive services generally available to SRS GAIN participants and a statement that supportive services shall be provided to the participant (see Section 42-750).

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 13280, Welfare and Institutions Code and 45 CFR 250.42.

- .1 Except where prohibited by SDSS regulations governing third-party contracts (MPP Chapter 23-600 Purchase of Service), counties electing to implement the SRS Component to provide services for refugee applicants for, and recipients of, AFDC shall be permitted to use performance-based contracts to purchase such services.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553 and 10554, Welfare and Institutions Code.

- .1 The SRS Component shall include the following four services and activities.
  - .11 Any educational activity below the postsecondary level that the agency determines to be appropriate to the participant's employment goal. Such activities may be combined with training that the agency determines is needed in relation to the participant's employability plan. The educational activities that shall be made available include, but are not limited to:
    - .111 High school education or education designed to prepare a person to qualify for a high school equivalency certificate;
    - .112 Basic and remedial education that will provide an individual with a basic literacy level in accordance with Section 42-772.5.
    - .113 Education in English proficiency for an individual who is not sufficiently competent to understand, speak, read, or write the English language to allow employment commensurate with his/her employment goal;
  - .12 Job skills training, which includes vocational training for a participant in technical job skills and equivalent knowledge and abilities in a specific occupational area;
  - .13 Job readiness activities that help prepare participants for work by assuring that participants are familiar with general workplace expectations and exhibit work behavior and attitudes necessary to compete successfully in the labor market; and
  - .14 Job development and job placement activity by the agency; e.g., soliciting a public or private employer's unsubsidized job opening or discovering such job openings, the marketing of participants, and securing job interviews for participants.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: 45 CFR 250.44.

- .1 The SRS Component shall include, but is not limited to, at least two of the following four components:
- .11 Group and individual job search as described in 45 CFR Part 250.60;
  - .12 On-the-job training, as described in 45 CFR Part 250.61;
  - .13 Community work experience program, or other approved work experience program, as described in 45 CFR Part 250.63.
  - .14 Work supplementation, as described in 45 CFR Part 250.62.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: 45 CFR 250.45, .60, .61, .62 and .63.

42-1011 CRITERIA FOR COMPONENT ASSIGNMENT OF  
TEENAGE PARENTS

42-1011

- .1 Counties shall provide educational services for teenage parents as described in 45 CFR Part 250.32(a) in the SRS Component.

HANDBOOK BEGINS HERE

- .2 Counties may use resources (non-GAIN) other than refugee funds to cover the costs of these services.

HANDBOOK ENDS HERE

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 13280, Welfare and Institutions Code and 45 CFR 250.32.

- .1 Counties shall be permitted to designate an agency other than the CWD as the agency responsible for performing specific allowable case management tasks and/or activities.
- .2 Eligibility determinations for AFDC and all sanctioning activities shall be handled by the CWD staff.
- .3 Counties shall complete a 90-day follow-up for each participant who becomes employed, including those participants who become ineligible for AFDC as a result of such employment.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 13280, Welfare and Institutions Code; Notices of Availability of Federal Fiscal Year 1990 Targeted Assistance Funds (Federal Register/Vol. 55, No. 72/ pages 13974 through 13979 Friday, April 13, 1990; and Federal Register/Vol. 55, No. 151/ pages 32022 through 32024 Monday, August 6, 1990).

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

**FILED**  
In the office of the Secretary of State  
of the State of California

SEP 26 1991

At 4:53 o'clock P.M.  
MARCH FONG EU, Secretary of State  
By Ann M. Marasquez  
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the City of Sacramento, State of California.

Submitting Agency: SOCIAL SERVICES

OAL File No: 91-0828-02

Marz Garcia  
MARZ GARCIA  
Director

09/26/91

# REGULAR

STATE OF CALIFORNIA OFFICE OF ADMINISTRATIVE LAW  
NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 7-80)

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER	PREVIOUS REGULATORY ACTION NUMBER
		91-0830-035		

For use by Office of Administrative Law (OAL) only

1991 AUG 30 PM 2 24

OFFICE OF  
ADMINISTRATIVE LAW  
ENDORSED  
APPROVED FOR FILING

SEP 26 1991

Office of Administrative Law

FILED  
in the office of the Secretary of State  
of the State of California

SEP 26 1991

At 4:53 o'clock P.M.  
ARCH FONG EU, Secretary of State

By Ann M. Marasero  
Deputy Secretary of State

AGENCY	AGENCY FILE NUMBER (If any)
State Department of Social Services	RDB #1190-52

## A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER	PUBLICATION DATE	
	91-#9-2	3/1/91	

## B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

### 1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

SECTIONS AFFECTED MPP	ADOPT
	AMEND 15-120, 15-310.11, and 15-621.1 and .4.
	REPEAL 15-605, 15-610.1(Title) to 15-621.11, 15-620, 15-621.4, 15-622, and 15-623.
TITLE(S)	

### 2. TYPE OF FILING

☒ Regular Rulemaking (Gov. Code, § 11346) ☐ Resubmittal ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100) ☐ Emergency (Gov. Code, § 11346.1(b))

☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

☐ Print Only ☐ Other (specify)

### 3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

June 12, 1991 to June 27, 1991

### 4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

☒ Effective 30th day after filing with Secretary of State ☐ Effective on filing with Secretary of State ☐ Effective other (Specify)

### 5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

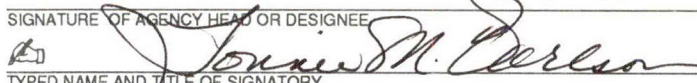
☐ Department of Finance (Form STD. 399) ☐ Fair Political Practices Commission ☐ State Fire Marshal

☐ Other (Specify)

6. CONTACT PERSON	TELEPHONE NUMBER
Jim Rhoads, Assistant Chief, Regulations Development Bureau	445-0313

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE	DATE
	8-26-91
TYPED NAME AND TITLE OF SIGNATORY	
LONNIE M. CARLSON, INTERIM DIRECTOR	

**NOTICE PUBLICATION/REGULATIONS SUBMISSION**

STD. 400 (REV. 7-90) ( REVERSE)

**INSTRUCTIONS FOR PUBLICATION OF NOTICE  
AND SUBMISSION OF REGULATIONS**

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

**ALL FILINGS**

Enter the agency name and agency file number, if any.

**NOTICES**

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

**REGULATIONS**

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

**RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS**

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

**EMERGENCY REGULATIONS**

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

**NOTICE FOLLOWING EMERGENCY ACTION**

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

**CERTIFICATE OF COMPLIANCE**

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

**EMERGENCY REGULATIONS - READOPTION**

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

Amend Section 15-120 to read:

15-120 DEFINITIONS

15-120

(a) (Continued)

(b) (Continued)

(c) (1) Confidence Interval and Reliability + Reliability is a figure, usually expressed as a plus or minus, (e.g., plus or minus 1/0 percent) which indicates a range above and below the point estimate.

The error rate of the universe of cases will fall in this range with a specified level of confidence. The confidence interval is the total error rate range (e.g., 1/0 percentage points using the plus or minus one percent figure above).

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HANDBOOK BEGINS HERE

Example + Assume that the same data provide that the point estimate is 4/0 percent with a reliability of plus or minus 2/0 percentage points at the 95/0 percent confidence level. The confidence interval ranges from 2/0 percent (4/0 percent + 2/0 percent) to 6/0 percent (4/0 percent + 2/0 percent). This means there is 95 percent probability that the error rate of the universe of cases is between 2/0 percent and 6/0 percent.

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HANDBOOK ENDS HERE

(d) (2) Confidence Level + The degree of certainty that the payment error rate of the universe of cases (the payment error rate that would be found if all county cases were reviewed) will fall within the confidence interval. Reserved

(d) (Continued)

(e) (Continued)

(f) (1) Federal Performance Measures

(A) Federal Sanction/Incentive Pass-On

The measure of county performance shall be the point estimate of the county's payment error rate including technical errors established according to the procedures specified in Section 15-310.1 for the October through September period for which the federal sanction applies.

(17) (2) Federal Performance Standards (Continued)

(g) through (k) (Continued)

- (l) (17) Lower Limit of the Point Estimate + The Lowest Number in a Confidence Interval/ Using the example in the definition of "Confidence Interval and Reliability"/ The lower limit would be 210 percent/ Reserved

(m) through (o) (Continued)

- (p) (1) Point Estimate of the Payment Error Rate - The total funds in error in the sample divided by the total funds paid in the sample.

(q) (Continued)

(r) (Continued)

(s) (1) (Continued)

(18) (2) AFDC Program State Performance Measure

The measure of county performance shall be the lower limit of the county payment error rate confidence interval excluding technical errors for the October through September period for which the state sanction applies.

(19) AFDC Program State Performance Standard

The payment error rate performance standard is established annually by the legislature in the state budget act.

- (t) (17) Technical Errors + Errors resulting from the failure of a client or agency to follow a required procedure and for which correction would not change eligibility or the amount of the payment/ This technical error concept is not recognized in the federal AFDC or Food Stamp quality control systems/ Reserved

- (u) (17) Universe of cases + the total population of cases from which the sample is selected/ Reserved

(v) through (z) (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 15200.4, Welfare and Institutions Code.

Amend Section 15-310.11 to read:

15-310 QUALITY CONTROL ERROR IDENTIFICATION PROCESS

15-310

.1 (Continued)

- .11 Reviews are required in counties where, for each of two consecutive federal fiscal years (October through September), one percent of AFDC aid payment dollars is equal to, or greater than, the cost of performing AFDC and Food Stamp Program quality control sample reviews. QUALITY CONTROL ~~Reviews shall begin the following October if the criterion is met.~~

A county which has been performing quality control reviews, shall continue performing these reviews until, for each of two consecutive federal fiscal years, one percent of AFDC aid payment dollars is less than the cost of performing AFDC and Food Stamp Program quality control reviews. At that time the county shall have the option of continuing or discontinuing quality control reviews. If a county chooses to stop performing quality control reviews, reviews will not be required beginning the following October.

The AFDC aid payment dollars used shall be cumulative AFDC payments made during the most recent federal fiscal year.

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HANDBOOK BEGINS HERE

1111 ~~Those counties which were required to perform quality control reviews under the 1/400 AFDC caseload criterion, but which are not required to perform reviews under the new criterion, shall have the option of continuing to perform reviews as if they met the new criterion.~~

1112 Example 1

County A granted \$16,300,000 in cumulative AFDC benefit payments during the most recent federal fiscal year. The dollar value of one percent in County A is \$163,000.

The cost of funding positions to perform AFDC and Food Stamp quality control sample reviews for one year in County A is \$160,000.

Since \$155/000 is greater than \$150/000, County A will be required to perform QC sample reviews beginning the following October.

1113 Example 2

County B granted \$15/000/000 in cumulative AFDC benefit payments during the most recent federal fiscal year. The dollar value of one percent in County B is \$150/000.

The cost of funding positions to perform AFDC and Food Stamp quality control sample reviews for one year in County B is \$155/000.

Since \$150/000 is less than \$155/000, County B will be not required to perform QC sample reviews.

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HANDBOOK ENDS HERE

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.12 (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 15200.4, Welfare and Institutions Code.

Repeal Section 15-605:

15-605 FISCAL SANCTIONS + GENERAL

15-605

11 THE PURPOSE OF THIS CHAPTER SHALL BE TO DESCRIBE THE METHODOLOGY THAT SHALL BE USED TO APPLY FISCAL SANCTIONS WHEN COUNTY PERFORMANCE IN THE ADMINISTRATION OF THE AFDC, FC/V AND FOOD STAMP PROGRAMS DOES NOT MEET ESTABLISHED PERFORMANCE STANDARDS. COUNTY PERFORMANCE SHALL BE MEASURED THROUGH THE REVIEW OF A RANDOMLY SELECTED QUALITY CONTROL SAMPLE.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553 and 10554, Welfare and Institutions Code.

Repeal Section 15-620:

15-620 IMPOSITION OF FISCAL SANCTIONS + GENERAL

15-620

11 SANCTIONS ARE APPLICABLE TO ONLY QUALITY CONTROL MONITORED COUNTRIES/ TWO TYPES OF FISCAL SANCTIONS MAY BE IMPOSED ON A COUNTRY/

111 FEDERAL SANCTION PASSION

A PORTION OF ANY FEDERAL SANCTION WHICH IS IMPOSED ON THE STATE IS SUBJECT TO BEING PASSED ON TO THE QUALITY CONTROL MONITORED COUNTRIES (SEE SECTION 15-621)/

112 STATE SANCTION (AFDONLY)

A STATE SANCTION MAY BE IMPOSED ON ANY QUALITY CONTROL MONITORED COUNTRY WHICH EXCEEDS THE STATE PERFORMANCE STANDARD FOR TWO CONSECUTIVE REVIEW PERIODS (SEE SECTION 15-622)/

1121 IF BOTH THE PASSION OF A FEDERAL SANCTION AND A STATE SANCTION APPLY FOR THE SAME PERIOD, THE STATE SANCTION MAY BE WAIVED OR REDUCED PURSUANT TO SECTION 15-623/

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 15200.4, Welfare and Institutions Code.

Repeal Section Title, renumber Section 15-610.1 to 15-621.11, and amend Section 15-621 to read:

15-621 FEDERAL SANCTION PASS-ON

15-621

- .1 A portion of any AFDC or Food Stamp sanction imposed on the state by the federal government is subject to pass-on to those quality control monitored counties whose federal performance measure exceeded the federal performance standard (see Section 15-120(f)) during the federal fiscal year for which the sanction was incurred. However, for purposes of this section, a federal sanction pass-on amount shall not include any portion of an imposed federal sanction which results from any differences in state and federal program requirements.

~~15-610~~ EFFECTIVE DATE

~~15-610~~

- .11 The first annual periods for which sanctions shall be applicable are October through September 1980-81 for the AFDC Program and October through September 1989-90 for the Food Stamp Program.
- .2 The payment error rate performance standard used for pass-on of sanction liability shall be the national performance standard established by the federal government as specified below:
- .21 The AFDC Program performance standard for the period October 1980 through September 1983 shall be the standard contained in the Labor, Health and Human Services, and Education Appropriations Act of 1980 (HR 4389, August 2, 1979, P. L. 96-86 Section 3101(j), P. L. 96-123 Section 101(q) and P. L. 96-38 Section 201). For the period October 1983 ~~and onward~~ through September 1990, the standard shall be the standard contained in the Tax Equity and Fiscal Responsibility Act of 1982 (P. L. 97-248). For the period October 1990 onward, the standard shall be the standard contained in the Omnibus Budget Reconciliation Act of 1989 (P. L. 101-239).

.22 (Continued)

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HANDBOOK BEGINS HERE

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.23 CHART OF FEDERAL ERROR RATE PERFORMANCE STANDARDS

REVIEW PERIOD	PROGRAM	
	AFDC (a)	FOOD STAMP
October 1980-September 1981	4.0%	NONE
October 1981-September 1982	4.0	NONE
October 1982-September 1983	4.0	9.00%
October 1983-September 1984	3.0	7.00
October 1984-September 1985	3.0	5.00
October 1985-September 1986	3.0	11.39
October 1986-September 1987	3.0	11.27
October 1987-September 1988	3.0	<del>11.27</del> 10.97
October 1988-September 1989	3.0 <del>(b)</del>	<del>11.27</del> 10.80
October 1989-September 1990	3.0	(c)
October 1990-September 1991	(b)	(c)

- (a) The Omnibus Budget Reconciliation Act of 1989 waived all AFDC sanctions from October 1980 through September 1990.
- (b) 4.0 or the national average (whichever is higher). This standard is also in effect for subsequent periods.
- (c) Standard is the lowest national average to date plus one (1) percentage point. Standard is dependent on national error performance; but will not be higher than 11/27 10.80%.

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HANDBOOK ENDS HERE

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.3 (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Omnibus Budget Reconciliation Act of 1989 (PL 101-239).

Amend Section 15-621.4 to read:

15-621 FEDERAL SANCTION PASS-ON (Continued)

15-621

.4 Calculation of Federal Sanction Pass-On Amounts

The amount of a federal sanction which shall be passed on to any given county is equal to the lesser of the following:

a.41 The amount of misspent federal funds above the federal performance standard in that county (see Section 15-621.421 ~~§6104~~), or

b.42 The county's proportionate share of the federal sanction subject to pass-on (see Section 15-621.423 ~~§6104~~).

.421 Misspent Federal Funds Above the Federal Performance Standard (Continued)

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.422 Example: Assume four counties exceeded a performance standard of 74.0 percent:

County	Performance Measure	Amount Above Performance Standard	Federal Funds Expended by County	Misspent Federal Funds Above Performance Standard
A	<u>76.0</u> %	2.0%	\$ 1,000,000	\$ 20,000
B	<u>77.0</u>	3.0	3,000,000	90,000
C	<u>76.0</u>	2.0	4,000,000	80,000
D	<u>78.0</u>	4.0	<u>2,000,000</u>	<u>80,000</u>
			\$10,000,000	\$270,000

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.423 Proportionate Share of the Federal Sanction Subject to Pass-On (Continued)

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.424 Example: Assume the federal sanction subject to pass-on is \$250,000 and four counties have error rates above the 74.0 percent performance standard.

1	2	3	4	5	6	7
County	Performance Measure	Amount Above Performance Standard	Federal Funds Expended by County	Misspent Federal Funds Above Performance Standard	Ratio	Proportionate Share
A	86.0%	2.0%	\$1.0M	\$ 20,000	.0741	\$ 18,525
B	87.0	3.0%	3.0	90,000	.3333	83,325
C	86.0	2.0%	4.0	80,000	.2963	74,075
D	78.0	4.0%	2.0	80,000	.2963	74,075
				<u>\$270,000</u>	<u>1.0000</u>	<u>\$250,000</u>

The ratios in column 6 were obtained by dividing the individual county amounts in column 5 by the total of column 5. These ratios are then used to allocate the \$250,000 federal sanction subject to pass-on into the proportionate share in column 7. (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553 and 10554, Welfare and Institutions Code.

Repeal Section 15-622:

~~15-622 STATE SANCTION (AFDC-ONLY)~~

15-622

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.1 A state sanction shall apply only to those counties where the state performance measure (the lower limit payment error rate excluding technical errors) exceeds the state performance standard for two consecutive six-month review periods. A feature has been included whereby the level of the point estimate of the county's annual error rate in the year prior to the sanction period can partially or completely offset the amount of the state sanction that would otherwise have been computed. If the pass-on of a federal sanction is applicable, the amount of the state sanction may be waived or reduced pursuant to Section 15-623.

.2 Counties Subject to Sanction

A monitored county shall be subject to sanction when the performance measure is greater than the performance standard for two consecutive review periods (see Section 15-120(r)(1)). However, if the lower limit annual error rate for the sanction period (see .3 below) is less than the performance standard no state sanction shall apply.

.3 Sanction Periods

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A sanction period is a 12-month period of October through September. If the two consecutive review periods (see Section 15-622.2 above) do not fall in the same sanction period, the October through September period in which the second review period falls is established as the sanction period. For instance, if a county exceeded the performance standard for the two consecutive review periods of October-March 1980-81 and April-September 1981, the annual sanction period would be October-September 1980-81. If the two consecutive review periods were April-September 1981 and October-March 1981-82, the sanction period would be October-September 1981-82.

.4 Sanction Calculation

If a county is subject to state sanction, the amount of the sanction shall be calculated by multiplying the excess error rate by the amount of state funds expended in the annual sanction period. For purposes of this section, the excess error rate is equal to the amount determined in .41 minus the amount determined in .42. If the amount from .42 is greater than the amount from .41, the excess error rate is zero.

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.41 The amount by which the lower limit of the statistically derived error rate for the sanction period exceeds the performance standard for the sanction period.

.42 The amount by which the point estimate of the annual error rate for the preceding October through September period is less than the performance standard for that period.

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.5 Examples

The following examples are intended to illustrate how various situations shall be treated under these regulations. For simplicity and ease of understanding, it is assumed that: 1) the state performance standard is 4.0 percent; 2) all error rates have a reliability of + or -2.5 percentage points; 3) annual point estimate error rates are determined by averaging the two review period error rates (in practice, the statistically derived annual error rate may differ from the error rate determined by simple averaging); and 4) lower limit error rates are determined by subtracting 2.5 percentage points from the applicable point estimate error rate. Below are examples illustrating three federal review years.

Example I

	Year 1			Year 2			Year 3		
	1st (O-M)	2nd (A-S)	Annual	1st (O-M)	2nd (A-S)	Annual	1st (O-M)	2nd (A-S)	Annual
Point Estimate	3.5%	3.0%	3.25%	8.0%	6.0%	7.0%	7.5%	7.0%	7.25
Lower Limit	1.0	.5	.75	5.5	3.5	4.5	5.0	4.5	4.75

Federal Review Year 2 -

A sanction would not apply for this period because the lower limit is not above the state performance standard for two consecutive six-month review periods. Although the lower limit error rate of 5.5 percent for the first period in Year 2 does exceed the state performance standard, the lower limit error rates for the prior and subsequent periods (0.5 percent and 3.5

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Federal Review Year 3 -

percent, respectively) are both within the performance standard. It does not matter that the lower limit annual error rate (4.5 percent) exceeds the performance standard.

The county would be subject to sanction because the lower limit error rates for both review periods in Year 3 (5.0 percent and 4.5 percent, respectively) exceed the state performance standard. The lower limit annual error rate of 4.75 percent exceeds the state performance standard by 0.75 percentage points (Section 15-611.41). Section 15-622.42 would not apply because the point estimate annual error rate of 7.0 percent for the prior year is above the performance standard. Therefore, the sanction would equal 0.75 percent of the amount of state funds expended.

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Example II

	Year 1			Year 2			Year 3		
	1st (O-M)	2nd (A-S)	Annual	1st (O-M)	2nd (A-S)	Annual	1st (O-M)	2nd (A-S)	Annual
Point Estimate	0.5%	7.0%	3.75%	8.0%	6.0%	7.0%	7.5%	8.5%	8.0
Lower Limit	-	4.5	1.25	5.5	3.5	4.5	5.0	6.0	5.5

Federal Review Year 2 -

The county would be subject to sanction because the lower limit error rate for the second period in Year 1 and the first period in Year 2 (4.5 percent and 5.5 percent, respectively) both exceed the performance standard (see Section 15-622.3). The lower limit annual error rate exceeds the performance standard by 0.5 percentage points (see Section 15-611.41).

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The point estimate annual error rate of 3.75% for the prior year is below the state performance standard by 0.25 percentage points (see Section 15-622.42). The sanction would equal 0.25% (0.5% - 0.25%) of the amount of state funds expended.

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Federal Review Year 3 -

The county would be subject to sanction because the lower limit error rates for both review periods in Year 3 (5.0 percent and 6.0 percent, respectively) exceed the performance standard.

The lower limit annual error rate exceeds the state performance standard by 1.5 percentage points. Section 15-622.42 does not reduce the sanction amount because the point estimate annual error rate of 7.0 percent for the prior year is not below the performance standard. Therefore, the sanction would equal 1.5 percent of the amount of state funds expended.

Example III

	Year 1			Year 2			Year 3		
	1st (O-M)	2nd (A-S)	Annual	1st (O-M)	2nd (A-S)	Annual	1st (O-M)	2nd (A-S)	Annual
Point Estimate	3.0%	3.0%	3.0%	8.0%	7.0%	7.5%	5.5%	7.0%	6.25
Lower Limit	.5	.5	.5	5.5	4.5	5.0	3.0	4.5	3.75

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Federal Review Year 2 -

The county would be subject to sanction because the lower limit error rates for both review periods in Year 2 exceed the performance standard. However, even though the 5.0 percent lower limit annual error rate exceeds the performance standard by 1.0 percentage point, no sanction would be applied because the point estimate annual error rate of 3.0 percent for the preceding

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year was less than the performance standard by 1.0 percentage point. The amount when subtracted from the 1.0 percent determined under Section 15-622.42, reduces the sanction amount to zero.

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Federal Review Year 3 -

The county would not be subject to sanction because the lower limit error rate is not above the performance standard for two consecutive review periods.

Example IV

	Year 1			Year 2			Year 3		
	1st (O-M)	2nd (A-S)	Annual	1st (O-M)	2nd (A-S)	Annual	1st (O-M)	2nd (A-S)	Annual
Point Estimate	5.5%	7.5%	6.5%	8.0%	4.5%	6.25%	4.5%	3.5%	4.0%
Lower Limit	3.0	5.0	4.0	5.5	2.0	3.75	2.0	1.0	1.5

Federal Review Year 2 -

The county would be subject to sanction because the lower limit error rates for the second period in Year 1 and the first period in Year 2 (5.0 percent and 5.5 percent, respectively) both exceed the performance standard. However, because the lower limit annual error rate of 3.75 percent is below the performance standard, no sanction will be applied (see Section 15-622.2).

Federal Review Year 3 -

The county would not be subject to sanction because the lower limit error rates are below the performance standard.

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STATE SANCTION DETERMINATION PROCESS

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- I. Does the county's performance measure exceed the performance standard for two consecutive periods? (15-622.3)
- No -----> No sanction
- Yes
- II. Does the lower limit annual error rate for the federal review year exceed the performance standard? (15-622.41)
- No -----> No sanction
- Yes
- III. Determine how much the lower limit exceeds the performance standard.
- IV. Is the point estimate annual error rate for the period prior to the sanction period below the performance standard? (15-622.42)
- No -----> The sanction is equal to the amount in Step III multiplied times the amount of state funds expended.
- Yes
- V. Determine how much the point estimate is below the performance standard.
- VI. Subtract the amount in Step V from the amount in Step III.
- > The sanction is equal to the amount in Step IV multiplied times the amount of state funds expended.
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.6 Application of State Sanction

- .61 SDSS shall notify the county in writing if it is determined that a state sanction will be imposed.
- .62 The county may appeal the state sanction in accordance with Section 15-622.8.
- .63 No sanction shall be applied during the appeal filing period provided in Section 15-622.81 or until SDSS has made a decision on the county's appeal.
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.64 When a state sanction is imposed, the amount of the state sanction shall be applied by reducing the state share of the county's reimbursable AFDC grant costs.

.7 Appeal of State Sanction (AFDC-Only)

A county may appeal a state sanction based upon circumstances outside the control of the county welfare department. Circumstances that could provide the basis for an appeal include, but would not be limited to, the following:

.71 Disasters which:

.711 Require the diversion of a significant number of personnel normally assigned to the processing of AFDC cases, or

.712 Destroy or delay access to significant records needed to maintain or update payments.

.72 Strikes or work actions by welfare staff or other personnel necessary to the processing of AFDC cases.

.73 The failure of a governmental agency outside the county's control to complete an agreed upon activity.

.74 County actions resulting from erroneous state written policy interpretations.

.75 Mistakes made by state staff in the establishment of the county error rate.

.8 Appeal Process - State Sanction (AFDC-Only)

.81 The county shall have 60 days from the date written notice of sanction is received to file a written appeal with the Director, SDSS. An appeal shall be signed by the County Welfare Director and contain the basis for appeal.

.82 Within 30 days of the receipt of the county's written appeal, the county shall be provided a list of the material that will be used to decide the appeal (e.g., QC findings, county appeal, etc.), and will be provided a copy of any material that it does not already have.

.83 The county shall have 30 days upon receipt of the information in Section 15-622.82 to comment on and/or supplement this material. Within this period the county may also request the opportunity to make an oral presentation in addition to the written appeal.

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- ~~.84 The Director shall grant a request for an oral presentation if he/she finds that such a presentation is necessary to fully address the issues involved, or may deny the request if he/she finds that the record is sufficient to decide the issues without an oral presentation.~~
- ~~.85 Based on all the available written material and, if applicable, the oral presentation, the final decision shall be rendered by the Director and transmitted to the county.~~
- ~~.86 Any time limit imposed by this section may be modified by the SDSS upon a showing of good cause.~~
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Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections, 10553 and 10554, Welfare and Institutions Code.

Repeal Section 15-623:

15-623 DUAL APPLICATION OF SANCTIONS (AFDC-ONLY)

15-623

.1 In the event both a federal pass-on and a state sanction apply for the same period:

a. The full amount of the federal pass-on shall be applied, and

b. The maximum state sanction shall be calculated by subtracting the amount of the federal pass-on from total misspent noncounty (state and federal) funds above the performance standard. For this purpose, the amount of misspent noncounty funds above the performance standard shall be based on the county performance measure (see Section 15-120(s)(2)).

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Example: Assume the following data with a 4.0 percent performance standard.

Total County Expenditures	\$10,000,000
Federal Share	5,000,000
State Share	4,460,000
County Share	540,000

Lower Limit Error Rate	6.0%
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State Sanction Pursuant to 15-622	\$ 89,200
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Misspent Non-County (state and federal) Funds Above Performance Standard [(6.0% minus 4.0%) = 2.0% x \$9,460,000]	\$ 189,200
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The state sanction in this example cannot exceed \$89,200. Additionally, this state sanction can be applied only to the extent that it and the federal pass-on together do not exceed \$189,200. Thus, the amount of the state sanction which will be imposed is equal to the lesser of 1) \$89,200; or 2) \$189,200 minus the amount of the federal sanction pass-on.

Situation a: If the federal sanction pass-on equals \$50,000, the full state sanction of \$89,200 will apply since the sum of \$50,000 and \$89,200 does not exceed \$189,200.

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Situation b: If the federal sanction pass-on equals \$150,000, the maximum state sanction would be \$39,200 (\$189,000 - \$150,000 = \$39,200).

Situation c: If the federal sanction pass-on equals \$200,000, no state sanction will apply because the \$200,000 exceeds \$189,200. However, the full \$200,000 federal sanction will apply.

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Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553 and 10554, Welfare and Institutions Code.

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OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

FILED  
In the office of the Secretary of  
of the State of California

SEP 26 1991

At 4:53 o'clock P.M.  
MARCH FONG EU, Secretary of State  
By Ann M. Menendez  
Deputy Secretary of State

This certifies that the regulations submitted in the  
rulemaking file identified below were reviewed and approved  
by the Director of the Office of Administrative Law in the  
City of Sacramento, State of California.

Submitting Agency: SOCIAL SERVICES

OAL File No: 91-0830-03

  
MARY GARCIA  
Director

09/26/91